RECORD NO. _____

In The
Court of Appeals
Of Virginia

BRIAN DAVID HILL,

Petitioner,

v.

COMMONWEALTH OF VIRGINIA,
CITY OF MARTINSVILLE,

Respondent.

IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE AT COURT OF APPEALS OF VIRGINIA

EXHIBITS
(Pages 1 – 247)

Brian David Hill – Ally of Q
Founder of USWGO Alternative News
310 Forest Street, Apt. 2
Martinsville, Virginia 24112
(276) 790-3505

Pro Se Appellant **– JusticeForUSWGO.wordpress.com**

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COURT OF APPEALS OF V.A. **Case No.: _____**
HILL, BRIAN DAVID **vs.** **COMMONWEALTH OF VIRGINIA**

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EXHIBIT 1
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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www.dmvNow.com
Virginia Department of Motor Vehicles
Post Office Box 27412
Richmond, Virginia 23269-0001

MED 10 (02/17/2011)

DISABLED PARKING PLACARDS OR LICENSE PLATES APPLICATION

Purpose: Use this form to apply for a disabled parking placard or disabled parking license plates.

Instructions: Submit to any Customer Service Center, DMV Select or mail to DMV, Data Integrity, P.O. Box 85815, Richmond, VA 23285-5815.

- For a parking placard, submit this form with a $5.00 check or money order payable to DMV. Placard will be mailed to you in approximately 15 days. Only one placard may be issued to a customer.
- For disabled parking license plates, submit this form, a License Plate Application (VSA 10) and applicable fees.

DISABLED PARKING PLACARD ONLY
(Disabled parking placard hangs from the rearview mirror.)

CHECK ONE

PERMANENT (5 years)	PERMANENT REPLACEMENT (5 years)	TEMPORARY (up to 6 months)	TEMPORARY REPLACEMENT
☑ Original (medical professional certification required)	☐ Lost ☐ Stolen	☐ Original	☐ Lost ☐ Stolen
☐ Renewal (No medical professional certification required.)	☐ Destroyed ☐ Mutilated		☐ Destroyed ☐ Mutilated
	☐ Reissue		☐ Reissue

DISABLED PARKING (HP) LICENSE PLATES ONLY

ORIGINAL PLATES	DUPLICATE	REISSUE	
☐ Complete and submit form VSA 10	☐ Lost ☐ Destroyed	☐ Unreadable (License plate letters or numbers unclear) ☐ Never received license plates	☐ Check this box if this vehicle is specifically equipped and used for transporting groups of physically disabled persons.

VEHICLE IDENTIFICATION NUMBER (VIN) | TITLE NUMBER

☐ I am the vehicle owner and the parent/legal guardian of a disabled dependent(s). List the name of each disabled person below.

APPLICANT INFORMATION

FULL LEGAL NAME (last)	(first)	(middle)	(suffix)	DMV ASSIGNED NUMBER OR SOCIAL SECURITY NUMBER
HILL	BRIAN	David		[redacted]

CURRENT RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
310 Forest St., Apt. 2 ☑ Check here if this is a new address.	Martinsville	VA	24112

CITY OR COUNTY OF RESIDENCE	DAYTIME TELEPHONE NUMBER OR CELL PHONE NUMBER
Martinsville	(276) 790-3505

MAILING ADDRESS (if different from above)	CITY	STATE	ZIP CODE

BIRTH DATE (mm/dd/yyyy)	GENDER	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
	☐ MALE ☐ FEMALE			FT IN	LBS

APPLICANT CERTIFICATION

I understand that misuse, counterfeiting, or alteration of disabled placards may result in fines up to $1000. and up to 6 months in jail and/or revocation of disabled parking privileges. I certify that I have a (check one): ☐ Temporary ☑ Permanent disability that limits or impairs my ability to walk or creates a safety concern while walking.

I also understand that the disabled parking placard or plates issued to me cannot be loaned to anyone, including family members or friends, to benefit a person other than myself.

I further certify and affirm that all information presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

APPLICANT SIGNATURE	DATE (mm/dd/yyyy)
Brian D. Hill Signed	08/18/2016

LICENSED PHYSICIAN/PHYSICIAN ASSISTANT/NURSE PRACTITIONER MEDICAL CERTIFICATION

(This section does not have to be completed to renew permanent placards.)

☒ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of _____ and ending in the month of _____ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (check below)

☐ Cannot walk 200 feet without stopping to rest.

☐ Uses portable oxygen.

☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.

☐ Has a cardiac condition to the extent that functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.

☐ Is restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest.

☐ Is severely limited in ability to walk due to an arthritic, neurological, or orthopedic condition.

☒ Has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to, an autism spectrum disorder.

☐ Has been diagnosed with Alzheimer's disease or another form of dementia.

☐ Is legally blind or deaf.

☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME	OFFICE TELEPHONE NUMBER	OFFICE FAX NUMBER
SHYAM BALAKRISHNAN	(276) 670 3300	(276) 634-0362

LICENSE TYPE	LICENSE NUMBER (required)	STATE ISSUING LICENSE (required)	LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)
MD	[redacted]	VA	[redacted]

MEDICAL PROFESSIONAL SIGNATURE	DATE (mm/dd/yyyy)
[redacted]	8/3/16

LICENSED CHIROPRACTOR OR PODIATRIST MEDICAL CERTIFICATION

(This section does not have to be completed to renew permanent placards.)

☐ Permanently limited or impaired. A permanent disability as it relates to disabled parking privileges shall mean: a condition that limits or impairs movement from one place to another or the ability to walk as defined in Virginia Code §46.2-1240, and that has reached the maximum level of improvement and is not expected to change even with additional treatment.

☐ Temporarily limited or impaired beginning in the month of _____ and ending in the month of _____ (not to exceed 6 months).

Reason this patient's ability to walk is limited or impaired or creates a safety condition while walking. (Checked below)

☐ Cannot walk 200 feet without stopping to rest.

☐ Cannot walk without the use of or assistance from any of the following: another person, brace, cane, crutch, prosthetic device, wheelchair, or other assistive device.

☐ Is severely limited in ability to walk due to an arthritic, neurological or orthopedic condition.

☐ Other condition that limits or impairs the ability to walk. Specific condition description must be specified below.

I certify and affirm that the described applicant is my patient, whose ability to walk, based on my examination, is limited or impaired or creates a safety concern while walking as described above.

I further certify and affirm that to the best of my knowledge and belief, all information I have presented in this form is true and correct, that any documents I have presented to DMV are genuine, and that the information included in all supporting documentation is true and accurate. I make this certification and affirmation under penalty of perjury and I understand that knowingly making a false statement or representation on this form is a criminal violation.

MEDICAL PROFESSIONAL NAME	OFFICE TELEPHONE NUMBER	OFFICE FAX NUMBER
	()	()

LICENSE TYPE	LICENSE NUMBER (required)	STATE ISSUING LICENSE (required)	LICENSE EXPIRATION DATE (mm/dd/yyyy) (required)

MEDICAL PROFESSIONAL SIGNATURE	DATE (mm/dd/yyyy)

DMV USE ONLY

PLATE/PLACARD NUMBER	PLACARD EXPIRATION DATE (mm/dd/yyyy)	EMPLOYEE STAMP

CUSTOMER CREDIT CARD NUMBER	CREDIT CARD EXPIRATION DATE (mm/yy)	FEE COLLECTED	

EXHIBIT 2
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

VIRGINIA:
IN THE CIRCUIT COURT OF THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA, Plaintiff, v. BRIAN DAVID HILL Defendant,	Criminal Action No. CR19000009-00 Motion for Discovery

Motion for Discovery

Pursuant to Rule 4:1 of the Virginia Rules of the Supreme Court and U.S. Supreme Court decision of Brady v. Maryland, 373 U.S. 83 S. Ct. 1194; 10 L. Ed. 2d 215; 1963, criminal Defendant Brian David Hill ("Brian", "Hill") would like to request that the Commonwealth Attorney ("CA") be compelled to provide discovery materials to Defense counsel which are both material and relevant to the case. That is for the jury trial for the charge of "indecent exposure" as defined in Virginia Code § 18.2-387. The jury trial is scheduled for August 30, 2019, unless the court considers changing the date for any reason including but not limited to expert witnesses and a mental evaluation to determine sanity at the time of the offense.

Hill and/or his family have attempted to contact Martinsville Police Department ("CC: Commonwealth Attorney") through written multiple correspondences asking for the body camera footage of Officer Sgt. R. D. Jones, by Hill writing the Martinsville Chief of Police G. E. Cassady asking for the body-camera footage to be turned over to

Brian's defense counsel (*Note: Attorney Scott Albrecht, at the time*) as pertinent to Virginia discovery requirements.

Evidence of attempting to request the police-body-camera footage of September 21, 2018, are made in the following Exhibits:

Exhibit 1) 2-Page U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #4 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 30, 2019, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 2) Photocopy of 1-Page letter from Brian David Hill to the Martinsville Police Chief dated January 19, 2019 while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. Also the second page of this Exhibit is a 1-page photocopy of the mailing envelope with mailing label before it was delivered to the prison Mail Room, treated as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 2-pages.**

Exhibit 3) 1-Page of U.S.W.G.O. Mailing Log from Brian David Hill of important legal mailings which was mailed while Hill was being mentally evaluated at the Federal Correctional Institution 1 in Butner, North Carolina. The #8 entry was the mailing to the Chief of Police asking for the body-camera footage. Mailing was delivered to the prison Mail Room on January 22, 2019 with

the original letter before the photocopy of that same discovery letter was mailed at a later time (See Exhibit 1). The prison treated the mailing as legal mail and was not fettered with in accordance with Federal Bureau of Prisons policies. **Total of 1-page.**

Exhibit 4) 3-Page letter to the Martinsville Chief of Police, was typed up and mailed to them by Brian David Hill's grandparents. Noted: January 19, 2019 (Typed letter March 13, 2019), "Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady", "CC: Commonwealth Attorney, Case no C18-3138,". Note: The Defendant will be looking for the return receipt to see if it can be located in the pile of papers in the multiple boxes full of legal papers, so that the court will have proof of receipt if necessary. **Total of 3-pages.**

Exhibit 5) A 2-page news article titled "Body Cameras Proving Useful for Martinsville Police | WSET". It proves that since 2013, Martinsville Police Department records body-camera footage of incidents. That may include recording of Brian David Hill on September 21, 2018, and any statements that he had made in regards to a "man wearing a hoodie" and may be useful in proving that Brian David Hill was not acting right at the time which would help prove that he was under carbon monoxide poisoning. **Total of 2-pages.**

Total evidence of 10 pages of five (5) Exhibits, 5 additional pages for the Exhibit page markers. 15 pages attached to this letter.

ANALYSIS:

From the Virginia Supreme Court rules document:

"*The parties have a duty to seasonably supplement and amend discovery responses*

pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel."

Since Defendant has sent two letters with "CC: Commonwealth Attorney, Case no. C18-3138," and family sent one typed letter asking for the police body-camera footage for Hill's case, it is clear that Hill had made a good faith effort to explain to the prosecution and the Police Department that the body-camera footage of what had happened on September 21, 2018, was needed for discovery purposes for the case. The old case number for the General District Court case was referenced because Hill did not know the Circuit Court case number at the time he was sending those letters, but that case number is the very same case number of what was appealed. No responses were ever found or noted. As far as Hill is concerned, there are no responses to his discovery requests. Hill had mailed a copy of the letter (Exhibit 2) to Scott Albrecht while he was still Hill's counsel of record at the time. Attorney Scott Albrecht never informed Hill as to whether or not the body-camera footage was turned over to defense counsel. Therefore no responses are noted and no responses exist in regards to Hill's two attempts to ask for the body-camera footage and Hill's families one attempt in a typed letter asking for the body-camera footage. Three written attempts have been made asking for the body-camera footage this year, in a request to Martinsville Police Department and "CC: Commonwealth Attorney".

It is clear that Brian David Hill as Defendant is entitled to the police body-camera footage pursuant to Rule 4:1 of the Supreme Court Rules for Virginia Courts as well as Brady v. Maryland case law from the U.S. Supreme Court (law of the land) which also applies to state courts, and any other rule or statute for the discovery process.

Also Hill would like to request from the Commonwealth Attorney and from Martinsville Police Department, that Hill's defense counsel get access to any blood-work or blood samples taken from Hill while he was at Sovah Hospital on September 21, 2018, before he was arrested. This includes any laboratory results, blood vials taken at the time of Hill's arrest, blood samples taken at the time of Hill's arrest, etc etc. Blood was clearly taken from Hill while he was at the Hospital, but since he was arrested, the Hospital likely would have given the blood drawn to the Police for conducting their own laboratory tests including but not limited to possible drugs.

Last page of Exhibit 10 in the evidence Exhibits which were attached to Brian's filed pro se Motion (Seq. # 22, filed 07/19/2019, evidence attached to this filing was filed on 07/22/2019 after being given to Clerk's office) for Defense of Mental Insanity "INSANITY DEF-FILED BY DEF", shows that laboratory results were ordered but later deleted from the chart and then Hill was released to Martinsville City Jail as stated in the medical records. Because Hill was escorted there with law enforcement, the Hospital likely had given the blood vials to the Martinsville Police Department to conduct their own laboratory work. That would mean a possibility that the Police Department has the blood samples, and the blood vials are likely in evidence storage for the indecent exposure investigation. Those are also subject to discovery for defense counsel. The blood vials are needed to conduct laboratory tests to find evidence of Carbon Monoxide poisoning in the blood with a lab test of "carboxyhemoglobin" which would prove that Carbon Monoxide was in the blood of Brian David Hill during the time of the alleged offense on September 21, 2018. Hill had asked Attorney Scott Abrecht, after he had turned himself in (Seq. #15, 05/30/2019, "HILL TURNED HIMSELF IN") to find the laboratory results but Hill later learned from his family that the Commonwealth Attorney didn't have the laboratory results, but the Commonwealth

Attorney never said anything to Scott Albrecht about the blood vials and blood-work that was drawn while Hill was at the hospital. So the blood vials may still exist as evidence and may be retained by Martinsville Police Department due to Sovah Hospital's policy in regards to a patient that is escorted by law enforcement or was with law enforcement.

Therefore for the following reasons, Hill respectfully requests with this honorable Court that the Court grant this motion for Discovery and compel the Commonwealth Attorney and Martinsville Police Department (who the Commonwealth represents) to turn over the evidence of the body-camera footage (*as noted above*) to Defense counsel, and the blood-work and/or blood-vials of Brian David Hill (*at the time he was arrested*) to Defense counsel. That the Court order all discovery evidence that the Commonwealth Attorney and Martinsville Police Department has withheld be turned over to Defense counsel As Soon As Possible.

WHEREFORE, the Defendant, Brian David Hill, prays that this Court enter an Order compelling discovery materials be turned over to DefensE Counsel in regards to the issues stated herein.

Hill respectfully files this Motion with this honorable Court, this the 26th day of July, 2019.

Signed, Brian D. Hill
Signed

Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

This pleading has been filed by hand delivery to the office of the Hon. Ashby Pritchett, Clerk's office at the Martinsville Circuit Court on July 26, 2019, at the address of 55 West Church Street, Martinsville, Virginia 24112.

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of July, 2019, a true copy of the foregoing Motion/Pleading was hand delivered to the office of the Commonwealth Attorney of Martinsville, at 55 West Church Street, Martinsville, Virginia 24112, counsel for Plaintiff of the Commonwealth of Virginia.

Signed, Brian D. Hill
Signed

Brian D. Hill (Pro Se)
Phone #: 276-790-3505
310 Forest Street, Apartment 1
Martinsville, Virginia 24112

U.S.W.G.O.
Amazon: The Frame Up of Journalist Brian D. Hill
Stanley's 2255 blog: JusticeForUSWGO.wordpress.com
Qanon
Brian D. Hill asks President Donald John Trump and QANON for help.

Exhibit 1

USWGO
QANON // DRAIN THE SWAMP
MAKE AMERICA GREAT AGAIN

Qanon U.S.W.G.O. Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Mailing Log 2019 U.S.W.G.O.

Brian David Hill
#29947-057

Federal Correctional Institution 1, Butner, N.C.
Old N.C. Hwy 75 - P.O. Box 1000 - 27509

#1	4pg	Jason McMurray, Western Dist. of Virginia, U.S. Probation Office, 210 Franklin RD SW, Roanoke, VA 24011 01/25/2019
#2	4pg	Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/28/2019
#3	10pg	Hon Ashby Pritchett, Clerk of the Court, P.O. Box 1206, Martinsville Circuit CRT, Martinsville, VA 24114-1206, US 01/28/2019
#4	2pg	Chief of Police, Police of Martinsville, Martinsville VA Police, 55 West Church St, Municipal Building, Martinsville, VA 24112 US 01/30/2019
#5	5pg	Alexandria Veletsis, Exe. Office of President, 1600 Pennsylvania Ave NW, The White House, Washington DC 20005, US 01/31/2019
#6	1pg	Law Office of Marcia G. Shein (Attorney), Marcia G Shein, 2392 N Decatur RD, Decatur, GA 30033 US 02/01/2019
#7	1pg	Law Offices of Alan Ellis (Attorney), Alan Ellis, 271 Madison Ave 20th Floor, New York, NY 10016 US 02/04/2019
#8	4pg	ATTN: National Security Council, The White House, Exe. Office of President, 1600 Pennsylvania Ave, NW, National Security Council, Washington, DC 20005 US 02/04/2019 Letter Feb. 3 2019.
#9	3pg	Clerk Of The Court, 210 Franklin RD SW, U.S. District Court, Roanoke, VA 24011, US 02/06/2019
#10	1pg	Office Of The Clerk, Middle Dist Northcarolina, 324 W Market St, U.S. District Court, Ste. 1, Greensboro, NC 27401-2513, US 02/07/2019
#11	5pg	ATTN: National Security Council. Same mailing address as #8 02/14/2019

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#1. 2-page letter to U.S. Probation Officer Jason McMurray. Copy of 1-page letter to Chief of Police dated January 19th 2019 and Copy of 1-page letter to Chief of Police dated January 20th, 2019.
#2. 4-page letter to Alexandria Veletsis dated January 26, 2019.

#3. 3-page Testimony of Brian David Hill - Declaration and 3-page copy for Commonwealth Attorney; 2-page Notice of Additional Evidence and 2-page copy dated Jan 28, 2019, for Commonwealth Attorney. Testimony dated January 27, 2019
#4. Copy of 1-page letter to Chief of Police dated January 20, 2019; and copy of 1-page letter to Chief of Police dated January 19, 2019.
#5. Photocopy of same 4-page letter to Alexandria Veletsis (#2.) dated January 26, 2019; Copy of 1-page letter personally delivered to Bernie Maidoff delivered 5:35PM January 30, 2019.
Certified mail tracking number: 7018 1130 0000 8936 6290
#6. 1-page letter to Attorney Marcia G Shein dated February 1, 2019.
#7. 1-page letter to Attorney Alan Ellis dated February 1, 2019
#8. 4-page letter to the National Security Council dated February 3 2019.
Certified Mail tracking number: Feb. 3 7018 1130 0000 8936 6320
#9. 1-page Motion to Request Transcripts, 1-page Certificate of Service, and 1-page letter to the Clerk of the Court dated February 6 2019.
#10. 1-page Docket Report request letter to Clerk of the Court dated February 7, 2019.
#11. 4-page letter to National Security Council dated February 13, 2019. 1-page photocopy of Request to Staff dated 02/13/2019 06:49:30PM. Certified Mail tracking no. 7018 1130 0000 8936 6306

Exhibit 2

USWGO
QANON // DRAIN THE SWAMP
MAKE AMERICA GREAT AGAIN

Qanon U.S.W.G.O. Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

Dear Chief of Police of Martinsville Police Dept.,
CC: Commonwealth Attorney, Case no. C18-3138,
55 West Church Street,
Municipal Building,
Martinsville, VA 24112, Martinsville Circuit Court case
Discovery Request

Under Virginia Code in regards to discovery requirements for misdameanor and felony trials in the Commonwealth of Virginia, Brady v. Maryland, Giglio v. U.S. Brian David Hill hereby requests a copy of Police Body-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September [redacted] 21, 2018, where I gave statements about the man wearing the hoodie who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank You for your service.

My Respects,

Brian D. Hill
Signed

Dated January 19, 2019.

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records.

Brian David Hill #29947-057
Federal Correctional Institution 1
Old NC Hwy 75; P.O. Box 1000
Butner, N.C. 27509
JusticeForUSWGO.wordpress.com
U.S.W.G.O.

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Brian David Hill #29947-057

Name: Number:
Federal Correctional Institution 1
P.O. Box 1000
Butner, NC 27509

Chief of Police

⇔29947-057⇔
Police Of Martinsville
Martinsville VA Police
55 W Church ST
Municipal Building
Martinsville, VA 24112
United States



LEGAL MAIL

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Exhibit 3

USWGO
QANON // DRAIN THE SWAMP
MAKE AMERICA GREAT AGAIN

Qanon U.S.W.G.O. Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

FCI 1, Butner, N.C.,
Brian David Hill #29947-057

Mailing Log 2019 U.S.W.G.O.

Brian David Hill #29947-057
Federal Correctional Institution 1, Butner, N.C.

#1	1pg	↔29947-057↔ Federal Building, 324 W Market ST Suite 1, Greensboro, NC 27401-2513 US ~~01/11/2019~~ Clerk of the Court ~~01-26-2019~~ 01-14-2019
#2	2pg	Hon Ashby Pritchett, Clerk of the Court PO Box 1206, Martinsville Circuit CRT, Martinsville, VA 1206, US 01/14/2019
#3	2pg	Scott Albrecht, Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114 US - ~~01/15/2019~~ 01/18/2019
#4	2±pg	Clerk of the Court, U.S. District Court, Federal Building, 324 W Market St Suite 1, Greensboro, NC 27401-2513, US 01/18/2019
#5	2pg	Office of VA Attorney General, 202 N 9TH ST Virginia Attorney General, Richmond, VA 23219 US 01/17/2019-7018-1130-0000-8936-6214 Certified
#6	2pg	Administra Office Of Us Courts, Admin. Office of US Courts, 1 Columbus CIR NE Probation Oversight Branch, Washington, DC 20002, US [Urgent] 01/17/2019
#7	4pg	Clerk of the Court, 210 Franklin Rd SW, U.S. District Court, Roanoke, VA 24011, US 01/18/2019
#8	4pg	Chief of Police, Police of Martinsville, 55 W Church ST, Municipal Building, Martinsville, VA 24112, US 01/22/2019
#9	4pg	Us Federal Courthouse, Hon. Judge Joe Webster, Magistrate, 323 E Chapel Hill ST, Room 2, Durham, NC 27701-3351, US 01/24/2019
#10	4pg	Anand P Ramaswamy, AUSA, United States Attorney, 101 S Edgeworth ST 4th Floor, Greensboro, NC 27401 US 01/24/2019
#11	2pg	Attorney, Scott Albrecht, Public Defender Office, 31 P.O. Drawer, Martinsville, VA 24114, US 01/24/2019

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Exhibit 4

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Qanon U.S.W.G.O. Qanon

MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

January 19, 2019 (Typed letter March 13, 2019)

Dear Chief of Police of Martinsville Police Dept: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case Discovery Request

Under Virginia Code in regards to discovery requirements for misdemeanor and felony trials in the Commonwealth of Virginia, Brady v Maryland, Giglio v U.S., Brian Hill hereby requests a copy of Police-Camera footage presumably recorded by Sgt. R.D. Jones of Martinsville Police Department between the times of 3:00AM and 4:00AM, September 20, 2018, where I gave statements about the man wearing the hoodie, who had threatened to kill my mother Roberta Hill on the late night of September 20, 2018. Please turn over that Police body camera footage recording evidence copy to my Attorney Scott Albrecht of the Martinsville Public Defender Office, As Soon As Possible. Thank you for your service.

My Respects,

Brian D. Hill (Signed)

Dated January 19, 2019

P.S. Brian Hill has Autism Spectrum Disorder in DMV handicap placard records

Brian David Hill #29947-057 Federal Correctional Institution 1
Old NC Hwy 75; P.O. Box 1000 Butner, NC 27509
JusticeForUSWGO,wordpress.com USWGO

(Letter 1)

January 20, 2019 **(Typed letter March 13, 2019)**

Dear Chief of Police of Martinsville Police Department: G. Edward Cassady

CC: Commonwealth Attorney, Case no C18-3138,

55 West Church Street Municipal Building Martinsville, VA 24112

Martinsville Circuit Court case

There are more facts that must be known about me in this case which involve my mental/neurological disability/handicap of Autism Spectrum Disorder. The man that had threatened to kill my mother Roberta Hill if I didn't get naked and take pictures of myself is a form of verbal sexual abuse similar to a pedophile threatening a kid to get naked. I almost would have gotten sexually taken advantage of by an inmate named Crutchfield while I'm being evaluated mentally here meaning, I would have been raped if other inmates with life sentences had not taken up for me and protected me that are against rape. Research on Google that people with Autism are more likely to be verbally and physically sexually abused. The man wearing the hoodie wanted to take advantage of me. Please contact Renetta Craighead of Piedmont Community Services and REACH. They will explain to you about my condition. I never should have been arrested and should have been placed in witness protection. This case should be dismissed. I am Innocent. Thank you.

My respects,

Brian D. Hill (Signed)

Dated January 20, 2019

Caretaker: Roberta Hill:
276-790-3505, 276-224-7373
Kenneth Forinash, U.S.A.F:
276-632-2599, 276-224-4527

Brian David Hill #29947-057
Federal Correctional Institution
Old NC Hwy 75; PO Box 1000
Butner, NC 27509

Copy of note mailed with letter dated January 19, 2019

Chief of Police and Commonwealth Attorney in Martinsville, VA,

Please acknowledge receipt of letters. Please write response.

Thank you

Brian D. Hill

God bless you!

Note: In a week of no response, I will assume that it was lost and mail another copy. Thanks.

Note from Brian's grandparents. Brian wrote this on January 19, 2019 and January, 20, 2019. He received no response, He sent it again and received no response a week later. After waiting almost two months, his grandparents will have to go to the post office and send this out return receipt requested. You also should know that Brian has been on disability since the age of 19 months; has brittle diabetes requiring insulin shots, has seizures, autism, anxiety and OCD. His actions that night were not normal. He was a victim who was arrested and sent to jail by the police who are supposed to protect its citizens and disabled. Brian's mom and grandparents were at the trial and noticed the prosecuting attorney making derogatory comments and making fun of this disabled citizen of Martinsville in front of his family and many other people in the court room.

Brian, We are also sending a copy of the 3 page disabled parking placard with your disability (autism) & your name & address with this letter to Chief of Police

Exhibit 5

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MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00
"Motion for Discovery"

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

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Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven themselves.

Even on a very routine call, every word spoken and every movement taken will be captured clearly.

"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man

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EXHIBIT 3
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

Even though I fell down the slope, cuts all over my body, my head likely got hit, I told the police officer, he appeared to have activated his body camera, I was shaken up but I tried to explain the situation as best as I could, I told him I have Autism. I tried to tell him about the guy in the hoodie, I was taken in an ambulance to the hospital, my mother and grandparents showed up, told them as much as I could what had happened. At one point I think that man was Officer R.D. Jones of Martinsville Police. He said that if I am lying, that I can be charged with filing a false report. I looked at him straight in the eyes and told Officer Jones that I told him the truth, all of that went on at the hospital. I was advised that I would be placed under arrest. Nobody walked on the trail when I was seen, hand over my mouth, guy in the hoodie, only time I was seen was the part of the trail where Southern Finishing factory was, where vehicles go by, but hardly any traffic at night. I signaled that I was gagged, that was why my hand was over my mouth. I never masturbated, I told the police the truth. When I was seen by a passing vehicle, I never masturbated, hand over my mouth and other hand with a flashlight.

(2.) My attorney told me that unless I was aroused and masturbated, I wasn't doing anything indecent. He says that I am innocent, I mean not-guilty of indecent exposure.

4

EXHIBIT 4
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	)	CASE NO. 1:13CR435-1
	)	
vs.	)	
	)	Winston-Salem, North Carolina
BRIAN DAVID HILL	)	September 12, 2019
		3:37 p.m.

TRANSCRIPT OF THE **SUPERVISED RELEASE REVOCATION HEARING**
BEFORE THE HONORABLE THOMAS D. SCHROEDER
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: ANAND RAMASWAMY, AUSA
Office of the U.S. Attorney
101 S. Edgeworth Street, 4th Floor
Greensboro, North Carolina 27401

For the Defendant: RENORDA E. PRYOR, ESQ
Herring Law Center
1821 Hillandale Road, Suite 1B-220
Durham, North Carolina

Court Reporter: BRIANA L. BELL, RPR
Official Court Reporter
P.O. Box 20991
Winston-Salem, North Carolina 27120

Proceedings recorded by mechanical stenotype reporter.
Transcript produced by computer-aided transcription.G1

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P R O C E E D I N G S

(The Defendant was present.)

THE COURT: All right. Mr. Ramaswamy, good afternoon, sir.

MR. RAMASWAMY: Good afternoon, Your Honor. The Government calls for hearing on a supervised release violation United States versus Brian David Hill in 1:13CR435-1, represented by Ms. Pryor.

MS. PRYOR: Good afternoon, Your Honor.

THE COURT: Good afternoon, Ms. Pryor. How are you?

MS. PRYOR: I'm wonderful, Your Honor. Thank you.

THE COURT: Mr. Hill, good afternoon to you.

Mr. Alligood and Mr. McMurray are here from the Western District of Virginia, welcome, here on behalf of Probation.

We're here today because the petition and the supplemental report allege that Mr. Hill violated the terms of supervision.

Did you receive a copy of the petition and the supplement?

MS. PRYOR: We did, Your Honor.

THE COURT: Have you reviewed those with your client?

MS. PRYOR: I have, Your Honor. And Mr. Hill is actually requesting a continuance of this matter today, Your Honor. I believe it was -- I won't said filed because we don't

have an actual clerk's office here, but I think he did provide it on I believe the 8th floor, Your Honor, and because of the time that he drafted it, it seems like last night, he didn't have an opportunity to file it. So he did provide it to me, a copy, today.

He's asking for a continuance because his matter in state court was actually -- his appeal hearing was continued to December 2. It was in order -- the first hearing that he had, I believe he -- his attorney was released from that. He has a new attorney in state court, and so they continued it out to December 2.

And so Mr. Hill is asking, based on his rights here, that he would like for his hearing to be heard -- in Martinsville, Virginia, to be heard before this hearing today.

THE COURT: So explain to me exactly what is set for hearing in Virginia.

MS. PRYOR: So, Your Honor, he was found guilty of indecent exposure in Martinsville, Virginia. He appealed that matter. That matter was scheduled for --

THE COURT: Let me stop you.

MS. PRYOR: I apologize, yes.

THE COURT: So he's found guilty in the trial court?

MS. PRYOR: He was found guilty at trial, yes, Your Honor.

THE COURT: So he's appealed it to whom?

MS. PRYOR: He's appealed it to their -- which would be their next level, which would be their superior court. In that case, when he went to court on -- I think that was two weeks ago, they continued that matter to December 2 to be heard at that time, and he now has a new attorney.

THE COURT: And what's the nature of that appeal?

MS. PRYOR: It is the underlining matters that are here on this case.

THE COURT: I understand. Is it a de novo review, or is it an appeal?

MS. PRYOR: It would be a de novo review, Your Honor.

THE COURT: All right. What was he found guilty of?

MS. PRYOR: He was found guilty of the charges that he's here for today, Your Honor, which was in violation of indecent exposure. I think it's 137 -- I think it's 20-137, which is indecent exposure. It is a misdemeanor, Your Honor.

THE COURT: According to the petition, it's Virginia Code 18.2-387.

MS. PRYOR: I apologize, Your Honor. That's correct.

THE COURT: All right. Okay. Anything else on that?

MS. PRYOR: That's it, Your Honor. And then, of course, you know, Your Honor, if you would not continue it, we're prepared to proceed.

THE COURT: Well, I've also reviewed apparently today a pro se emergency notice of interlocutory appeal. Are you

aware of that?

MS. PRYOR: That's what I actually have, Your Honor, and I was referencing it as a continuance. Your Honor, I did receive that. I believe it might be couched in the wrong -- in what he's requesting. So, Your Honor --

THE COURT: This one says he's appealing to the Fourth Circuit; is that not right?

MS. PRYOR: That is correct, Your Honor.

THE COURT: What he's appealing?

MS. PRYOR: Your Honor, he is appealing --

THE COURT: I haven't ruled yet.

MS. PRYOR: I know, Your Honor.

THE COURT: Okay. All right.

Mr. Ramaswamy?

MR. RAMASWAMY: As to this -- addressing this motion --

THE COURT: Which "this"?

MR. RAMASWAMY: I'm sorry. There's no file number on it, but the petition for notice of interlocutory appeal, it would appear to the Government he's appealing Document 183, that's in the second paragraph, which is the Court's order on the motion to continue. That was a motion to continue by the defense, which the Court granted and the Government didn't oppose. So it would appear Mr. Hill's attempting pro se to appeal an order that was in the Defendant's favor.

THE COURT: Hold on just a minute.

(Pause in the proceedings.)

THE COURT: Okay. What's your position on the other motion? They want to continue this because he's appealing Virginia -- the court's -- the trial court's determination.

MR. RAMASWAMY: I don't believe there is a motion -- unless it's one made orally, there is a motion to continue.

THE COURT: Do I have a written one?

MS. PRYOR: You do not have a written one, Your Honor. That was an oral motion just now, Your Honor. That's correct.

THE COURT: What's your view on that?

MR. RAMASWAMY: We would oppose, Your Honor. The officer is here under subpoena. The Defendant is here. The supervising officer is also here from Martinsville, Virginia.

THE COURT: Let me ask a question. When did the court in Virginia rule?

MS. PRYOR: Your Honor, do you mind if I get a second just to ask that question?

THE COURT: That's fine. I am going to want to know when he took the appeal, too.

MS. PRYOR: Okay. Yes, Your Honor.

(Ms. Pryor conferred with the Defendant.)

MS. PRYOR: I apologize. Thank you, Your Honor.

Your Honor, he actually was found guilty on

December 21 of 2019. He filed a pro se appeal on December 21, but it was mailed, so they did not have it couched as a pro se appeal until December 26 of 2019 -- I mean, I'm sorry, 2018. I apologize.

THE COURT: Okay. And then when was that scheduled for hearing?

MS. PRYOR: Well, Your Honor, when he did have the first hearing, they then -- he, of course --

THE COURT: When was the appeal scheduled to be heard, the original?

MS. PRYOR: Oh, the original, it was not scheduled until May and then -- that's only because he went off -- and I know that's probably longer than what you are asking me for, but they sent him to Butner for competency. He came back in May. They did couch the first hearing for May, and then they continued that one because he released that attorney. And then in July, he had a hearing, which is the one that you gave us permission to continue to this date for that hearing, but then that hearing was then rescheduled. He has another attorney who is going to be handling that hearing on December 2.

THE COURT: Okay. Well, the motion is denned. The standard before this Court on a potential revocation of a petition is a preponderance standard, which is a different standard. So even if he were found not to be guilty beyond a reasonable doubt in a criminal court, that would not

necessarily preclude this Court from finding him guilty on a preponderance basis because that's the burden of proof. So it is also a late-blooming motion, so on timeliness grounds as well, I am going to deny the motion.

MS. PRYOR: Thank you, Your Honor.

THE COURT: All right. I read this emergency petitioner's notice of interlocutory appeal. To the extent that's even pending before me, it's not an impediment to my moving forward. He's purporting to appeal an order that, as the Government says, was one I granted in his favor, extending him more time to proceed. So he's not been harmed by that order, but, in any event, it's interlocutory.

So are you prepared to proceed?

MS. PRYOR: Yes, sir.

THE COURT: Did you say you reviewed the petition and the supplement with your client?

MS. PRYOR: I did review it with him, yes, Your Honor.

THE COURT: Do you have access to his original presentence report?

MS. PRYOR: I do, Your Honor.

THE COURT: And are you confident that he understands the charges pending against him?

MS. PRYOR: I am confident that he understands the charges that are here today.

THE COURT: All right. Mr. Hill, I need to speak with you for a moment, if you would stand, please, sir.

How are you this afternoon?

THE DEFENDANT: I'm all right.

THE COURT: Good. Did you receive a copy of the petition and supplement?

THE DEFENDANT: I did.

THE COURT: Did you review those with Ms. Pryor?

THE DEFENDANT: Yes.

THE COURT: Do you understand the charge against you?

THE DEFENDANT: I am.

THE COURT: You may have a seat, sir.

The allegation in the petition is that Mr. Hill was arrested by the Martinsville, Virginia Police Department for a misdemeanor indecent exposure on September 21, 2018. He reportedly was running around a public park nude at the time.

Does the Defendant admit or deny this allegation?

MS. PRYOR: He denies, Your Honor.

THE COURT: All right. Is the Government prepared to proceed?

MR. RAMASWAMY: Yes, Your Honor.

THE COURT: All right. You may call your witnesses.

MR. RAMASWAMY: Thank you. The Government would call Robert Jones.

SERGEANT ROBERT JONES, GOVERNMENT'S WITNESS, being first duly

sworn, testified as follows at 3:48 p.m.:

THE COURT: Before you begin, give me a chance to look at one thing.

MS. PRYOR: Your Honor, may I have just one moment with my client?

THE COURT: Yes, you may.

(Ms. Pryor conferred with the Defendant.)

THE COURT: Okay. I was just confirming that it's Docket Entry 176, that the U.S. Court for the Western District of Virginia in Roanoke did, in fact, find Mr. Hill to be competent. That appears to be the case.

MS. PRYOR: That is correct, Your Honor.

THE COURT: Thank you. All right.

Mr. Ramaswamy, you may proceed, sir.

DIRECT EXAMINATION

BY MR. RAMASWAMY

Q Would you state your name and occupation for the record, please.

A Robert Jones, patrol sergeant in the Martinsville City Police Department.

Q How long have you been with the Martinsville PD?

A Just over 17 and a half years.

Q And were you on duty on September 21st of last year?

A I was.

Q And what were your duties on that date?

A I was the supervisor for the patrol shift that evening.
Q Did you receive a call from dispatch that evening?
A We did.
Q What was that call in reference to?
A Radio traffic came across as a male subject with no clothes on running down the side of the street at Hooker Street near the Henry County Public Safety building.
Q And what did you do in response to that call?
A Several of the officers that work for me went to that area and were trying to locate that individual. I came from another part of the town. As I came across, they were not having any luck locating him. I went to an area of Pine Street. At the dead end section of that, there is a set of steps that go onto the walking trail that connects where the individual was first seen to where I was coming from.
Q You mentioned Hooker Street was the original place of the report; correct?
A Correct. It's Hooker Street and Church Street there at Burger King. It's an intersection right there at that area.
Q You mentioned the walking trail. What's the name of that trail?
A It is the Dick and Willie Trail.
Q And do you know approximately how long that trail is?
A It's several miles long.
Q And in reference to Martinsville, where does it go in

reference -- is it remote or is it residential or a mixture?
A A mixture.
Q I believe you said you went to a set of steps near Pine Street; is that correct?
A Yes, sir.
Q Would you tell the Court what happened next?
A I went down the steps around the edge of the intersection there where the trail splits off back towards the direction where the individual had been seen. As I was coming up the trail, I could hear footsteps coming towards me; at which point, I stopped to see if the individual would come closer to me before I made contact.
Q On that trail, is that trail open at night?
A It is.
Q Is it a park?
A It's a walking trail that goes from the county through the city back out into the county.
Q And you said you heard the footsteps before you saw someone?
A Correct.
Q Did you eventually see someone?
A I did.
Q Did you see him -- did you have a flashlight?
A I did.
Q Did you see him by your flashlight or by other light?

A By my flashlight.
Q And do you see the person that you saw that night?
A I do.
Q And is he in the courtroom?
A He is. It's the Defendant sitting at the table with his attorney.
Q Mr. Hill?
A Correct.
Q Describe Mr. Hill when you saw him.
A When I shined my light on Mr. Hill, he was completely naked other than a backpack, his tennis shoes and socks, and a stocking cap.
Q How far away was he when you first saw him?
A About the length of the courtroom.
Q And when you -- after you saw him, what did you do?
A I yelled at him to stop. When I shined my flashlight on him, he took off, which would have been where I was facing to my left into the wood line and down the hill into the creek.
Q Did you see him holding anything?
A He did. He had a yellow flashlight in his hand and then also another black object, which was later found to be another flashlight in his other hand.
Q I'm sorry. After he ran down the hill and into the wooded area, did you pursue?
A I did.

Q Describe that for the Court, please.
A We run through the brush, through the thicket down into the creek; at which point, he jumped over a log into the creek.
Q Was he still holding the objects?
A One of the objects had fell. The small black flashlight had fallen. That was picked up by one of the other officers that came to assist me.
Q And what did you do next?
A He was handcuffed at that point and was walked out of the wooded area back to the patrol cars that met us at -- off of Hooker Street on one of the side streets.
Q You mentioned two flashlights in a backpack. Did he have anything else with him?
A Yes, there was -- in his backpack was located a camera.
Q Did Mr. Hill make any statements to you at that time?
A He was complaining of knee pain; at which point, we transported him to the hospital to get him checked out to make sure he was okay. While there, he proceeded to explain to me that the reason he was out there like that was because a male subject -- a black male in a hoodie had threatened him and forced him to take pictures of himself.
Q What -- did he gave any more detail than that, a black male in a hoodie forced him to take photos?
A He did. He said that the male subject threatened him and his family and told him that he needed to take these photos of

himself naked; otherwise, they were going to hurt his family.
Q Did he make any statement as to whether or not this person knew his family?
A When questioning him if the male subject was with him when he took the photos and stuff that were on the camera, he stated he was not with him. And when questioned about that and why he didn't come to see us and asked him -- he proceeded to explain to us that this subject was working for law enforcement and other individuals in reference to his prior charges.
Q So it was a story that his original child pornography charge -- that this unknown person was somehow affiliated with that charge?
A Correct.
Q What did he say about the camera itself?
A He said that the -- originally said that the male subject had given him the camera to go take the photos. I had seized the camera during this time. A search warrant was issued for it, and on the camera card -- on the SD card inside the camera was a Word document that belonged to Mr. Hill.
Q Were there other things on the camera card?
A Photos from that evening.
Q Did he say what he was supposed to do with the camera after he took these pictures?
A He did. He was supposed to leave it on one of the benches on the walking trail.

Q Now, did you obtain a search warrant for the contents of the camera?
A I did.
Q And did you later find the photographs and document you mentioned on the camera?
A Correct.

MR. RAMASWAMY: May I approach?

THE COURT: Yes.

BY MR. RAMASWAMY

Q Officer Jones, I'm going to show what's marked as Government's Exhibit 1, which is a two-page exhibit, a contact sheet. Do you recognize what's on Government's Exhibit 1?
A Yes. These are thumbnails of the photos that were found on that card.
Q I'm going to ask you to look at Government's Exhibit 1, and on the photographs themselves, does there appear to be a time/date stamp?
A It is.
Q Is that time/date stamp consistent with the day that the incident occurred?
A It is.
Q And also below each photograph is some text that begins with the word "Sanyo," and the first one at the top left of Government's Exhibit 1 says sanyo001.jpg. Do you know what that is?

A That's the -- normally, that's the stamp that the camera puts onto the card for the photo that's stored on it.
Q So that's the file name for each of the photographic files on the camera?
A Correct.
Q Is what's shown in Government's Exhibit 1 all of the photographs found on Mr. Hill's camera?
A Yes.
Q And I know there are --

MR. RAMASWAMY: I would ask that Government's Exhibit 1 be admitted, Your Honor.

MS. PRYOR: Your Honor, we have no objection. Just ask that it be sealed because of the nature of it.

THE COURT: All right. It's admitted.

BY MR. RAMASWAMY

Q I'm going to ask you about Government's Exhibit 1 in relation to this trail, the Dick and Willie Passage. In your further investigation or knowledge, were you able to determine whether these photographs were taken in reference to that trail?
A Further investigation from the initial incident, it looks like all of these were taking place at the Greene Company right behind the Mexican restaurant right in that area, Virginia Avenue, Memorial Boulevard, and Commonwealth Boulevard.
Q What type of area is that?

A It's the Wal-Mart -- it's our Wal-Mart intersection. There's several restaurants, a gas station right here in this little area, along with a hotel there as well.
Q In terms of Martinsville, or Henry County, is it -- how would you describe it in terms of car traffic? Foot traffic?
A Heavy traffic.
THE COURT: Any objection to sealing these, given the nature of them?
MR. RAMASWAMY: I don't have any objection.
MS. PRYOR: Thank you.
THE COURT: I'll order that they be sealed, that is, Government's Exhibit 1.
BY MR. RAMASWAMY
Q It's Detective Jones; correct?
A Sergeant Jones.
Q I'm sorry.
A No problem.
Q Sergeant Jones, I'm going to show what's marked as Government's Exhibit 2. Do you recognize Government's Exhibit 2?
A Yes, sir.
Q In Government's Exhibit 2 is a map, arrows, and some text. Have you previously reviewed this in relation to the photographs and file names?
A Yes, sir.

Q And as it describes in numbered sequence one through five, does that accurately show, as to the files in Government's Exhibit 1, the locations where those photographs were taken?
A Yes, sir. These are consistent with the photographs.
Q Those photographs I mentioned before have a time stamp; correct?
A Correct.
Q And for the record, on Government's Exhibit 2, on the first number there, under No. 1, when do the photographs begin, as far as the time stamp?
A At 12:29 a.m.
Q Sergeant Jones, I'm showing you what's marked as Government's Exhibit 3, and I want you in reference to -- what does Government's Exhibit 3 show?
A This is photographs of the Greene Company from Virginia Avenue over the bridge, along with the beginning of the walking trail there for parking, the bike rack, and the little bulletin board there at the beginning of the trail.
Q You mentioned that bike rack and bulletin board. That's approximately in the center of the large photograph; correct?
A Correct.
Q And the bike rack is that the green --
A Just the little -- right beside the green trash can and bulletin board.
Q Do you see those same -- that bulletin board and bike rack

and trash can in Government's Exhibit 1, in those photographs?
A Yes.
Q And I'll show you what's marked Government's Exhibit 4. Again, another large photograph in the daytime -- taken in the daytime. Do you recognize that?
A Yes, sir. That is the backside of the Greene Company and their parking lot, along with the Taco Bell old truck -- transfer truck that they have there.
Q That says Taco Bell?
A Minus a few letters.
Q Okay. On the second page of Government's Exhibit 1, is there are also a Taco Bell truck with the B and final L missing from Bell?
A Correct.
Q Is that what you were able to determine was the location of the photographs shown on the back -- the second page of Government's Exhibit 1?
A Yes, sir.
Q I'll show you what's marked Government's Exhibit 4 -- Government's Exhibit 5. Would you tell us what's shown in that photograph?
A That is the intersection for the Commonwealth, Virginia Avenue, Memorial Boulevard intersection.
Q And that's a photograph taken in the daytime; correct?
A Correct.

Q Now, in relation to Martinsville, Henry County -- well, strike that.

Is that the same intersection that has the Wal-Mart on the one side and other businesses on the other?

A Correct.

Q In relation to Martinsville and Henry County, how busy of an intersection is that? Is it a -- it's in the top?

A It's one of our busiest intersections for that area.

Q I am going to show you a photograph marked Government's Exhibit 6.

MR. RAMASWAMY: And I have no objection if counsel moves to seal this one as well, Your Honor.

MS. PRYOR: That would be my request, Your Honor.

THE COURT: All right. It's granted.

BY MR. RAMASWAMY

Q I have some questions related to Government's Exhibit 6. What is shown in that exhibit?

A This is the grassy section just up from the intersection behind the gas station. The Wal-Mart intersection is here with the stoplights. The signs for all the stores down there in the strip mall just below Wal-Mart is here in the smaller, lower right-hand corner.

Q And you're pointing to the lower right-hand corner of Government's Exhibit 6. Is there also a yellow sign with a semicircular top about in the center near the bottom?

A Yes, sir.
Q What business is that?
A That's one of the businesses right here on the main strip. I think it's a Midas or Monro, something to that effect, and then Hill Chiropractic is right there as well.
Q Is that a tire store?
A Correct.
Q And is that visible? Is this intersection visible in Government's Exhibit 5?
A Yes, sir. It's right here.
Q And you're pointing to -- in Government's Exhibit 5, on the right, you're pointing to where there's a Lowe's sign, in between the Lowe's and the Wal-Mart?
A Right. The Hill Chiropractic sign is here just at the stoplight, the Monro Muffler shop is here, and the Wal-Mart intersection is all right there together.

MS. PRYOR: Your Honor, do you mind if I move closer just so I can see where they're pointing? I am unable to see it from here.

THE COURT: Why don't you hold it up so counsel can see it.

THE WITNESS: The Wal-Mart intersection is here where the blue sign is. We've got the yellow building, which is the muffler shop, tire shop there, and then just past that one with this other brick building behind it is the Hill Chiropractic

building.

BY MR. RAMASWAMY

Q I have a couple more.

Directly -- is Mr. Hill shown in this Government's Exhibit 6?

A He is.

Q In the space between his arm, is there a sign visible?

A It is.

Q Do you see that same sign in Government's Exhibit 5?

A Yes, sir.

Q What sign is that in Government's Exhibit 5?

A It's the Mexican restaurant sign, the El Parral.

Q And do you also see behind Mr. Hill in Government's Exhibit 6 what appears to be a yellow curb?

A I do.

Q Do you see that yellow curb in Government's Exhibit 5?

A I do. That is actually the Stultz Road intersection.

Q Can you tell on Government's Exhibit 5 the vantage point from which Government's Exhibit 6 was taken?

A That appears to be the grassy section behind the gas station, which is Fast Fuels.

Q I'm going to give you a pen. If you would mark on there, if you're able.

A Fast Fuels would be up here just out of camera view, and it would be down here in this corner in Photo 6.

Q So you placed a small dot on each photograph, which is the apparent vantage point on Government's Exhibit 5 from which this photo was taken; correct?
A Correct.
Q Do you see anything other than the store lights in Government's Exhibit 6?
A Yes, sir. There appears to be taillights from a vehicle passing at the intersection.
Q And that is on the photograph just to the right of the Defendant's leg with the black sock?
A Correct, which would be roughly two-thirds down the page, middle of the page.
Q In relation to this trail, do you -- strike that.
Let me show what's marked as Government's Exhibit 7, and I ask you to take a moment and look at that.
Have you seen that exhibit before?
A I have.
Q Would you describe what's in the exhibit?
A It's a roadmap of the city and locations of where the photos were originally started and a location of the time of the original call that we received from dispatch and approximate arrest location.
Q So there's four annotations on here. This 310 Forest Street, do you know what that is?
A That's down where the suspect lived, Mr. Hill.

Q And everything -- as far as the photographs, were those taken where it says photos taken here, 12:29 to 1:20 a.m.?
A Correct.
Q And I may not have asked you the time that the call came in to the police, but do you know what time that call came in?
A It was 3:12 in the morning.
Q And is this -- can you review the place where it says "arrest"? Is that accurate as to the place to which the Defendant was arrested?
A Yes, sir.
Q The distance between where the photographs were taken and where it shows the 911 call location was made, can you tell even approximately what distance was that?
A It's a couple of miles.

MR. RAMASWAMY: One moment, please.

THE COURT: Sure. While you're going through that, just so counsel has an idea, I can go until about 5:15 today. So if you think you need to go beyond that, we'll have to make arrangements.

MR. RAMASWAMY: I don't anticipate -- thank you, Your Honor. I am sorry to interrupt. I don't anticipate more than two other exhibits, and my evidence will be all through this witness.

THE COURT: All right.

BY MR. RAMASWAMY

Q I'm going to show you a four-page exhibit marked as Government's Exhibit 8, and I ask that you take a moment and look at that, please.

Sergeant Hill [sic], can you tell -- have you seen Government's Exhibit 8 before?

A I have.

Q What is it?

A It's the document that was found on the SD card in printed version that belonged to Mr. Hill that was on the camera when we did the search warrant.

Q So this document was on the same card as the photographs?

A Correct.

Q And I will show what's been marked as Government's Exhibit 9. I'll ask that you take a look at that.

In your examination of the contents of the camera card, did you observe the properties for that four-page document I just showed you?

A I did.

Q And is this a screenshot of the properties?

A It is.

Q And under the author, what does it say?

A Brian D. Hill.

Q Did you ever see anyone else on the trail that night besides Mr. Hill?

A No, that's the only person that I came into contact with.
Q Other than September 21, were you -- of last year, were you aware of other calls in reference to a naked person on that trail or in that area?
A We have had other calls in the city in reference to a white male running naked with a stocking cap on, which was consistent with Mr. Hill.
Q Did you get similar calls after Mr. Hill was arrested in this case?
A We've had, I know, two other calls for indecent exposure incidents, but they were both identified as not being Mr. Hill.
Q And you mentioned he was -- he was charged with indecent exposure; correct?
A Correct.
Q Are you familiar with the Virginia statute?
A Yes, sir.
Q I will show you what's been marked as Government's Exhibit 10, and ask that you take a look at that and see if you recognize that.
A Yes, sir.
Q What is Government's Exhibit 10?
A That is a printout of our state statute for indecent exposure.
Q And that's under your Virginia Code Section 18.2-387; correct?

A Correct.
Q That's what Mr. Hill was charged with?
A He was charged under our local statute, which mimics this just for funding purposes.
Q There was mention before about a trial. Was that a bench trial?
A Yes, sir.
Q So the current matter on appeal was on appeal for jury trial; correct?
A It was slated for a jury trial, yes, sir, it was.
Q Do you know when that was set for trial?
A It was a couple of weeks ago. It was continued. I'm not sure of the exact date. I don't have my calendar.

MR. RAMASWAMY: I have no other questions.

THE COURT: All right. Are you moving any of these in?

MR. RAMASWAMY: I'm sorry. I believe I moved for Government's Exhibit 1. For the remainder of the exhibits, we'd asked that they be admitted, and I believe two of them are under seal, Your Honor.

THE COURT: Any objection?

MS. PRYOR: No objections, Your Honor.

THE COURT: They are admitted, and Exhibit 1 and Exhibit 5 are under seal.

Ms. Pryor, any questions?

MS. PRYOR: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. PRYOR

Q Can you tell us -- I believe you stated that the call came in around what time?

A Around 3:12 in the morning.

Q And was that the only call that you received?

A It was.

Q Okay. And at 3:12 in the morning, are any of the places that's on the map, I believe Taco Bell, the Mexican restaurants -- are those places open at that time?

A The Greene Company that has the Taco Bell delivery truck is not open at that point. The Wal-Mart at that intersection is still open. Other than -- as far as the Mexican restaurant and the other restaurant right on the corner, they are not.

Q I believe there is a Roses as well on that corner as well?

A Correct.

Q And Lowe's as well?

A Yes.

Q And are those open at that time in the morning?

A No, ma'am.

Q And when you did proceed to arrest my client at that time, how many people were around at that time?

A It was me and him when he was placed in handcuffs in the woods. Another officer was coming down to us but had not made

it to us at that point.
Q Was there anyone on the trail at that time?
A I did not make any contact with anybody else at that time.
Q And you said what when you approached him? He was -- that he did -- he did lead you on a pursuit?
A Correct.
Q Do you recall about how long that pursuit was?
A It wasn't far. He made it to the bottom of the hill through the vines and brush and, like I said, jumped over a log into the creek out of my sight, which I was trying to give him commands to show me his hands at that point.
Q And you didn't see anyone when you were on that pursuit?
A No.
Q At the time -- these photos are clearly taken during the daytime with many cars, of course, on this, but at 3:12 a.m. when you were traveling, based on that call, did you see -- about approximately how many cars was on the road at that time?
A This was not at -- when he was taken into custody, it was not at that intersection. It was farther up the trail towards the other side of the city.
Q Okay. So farther up the trail -- are there any restaurants farther up that trail?
A That actually comes out to another intersection where there's restaurants, some other businesses, and stuff like that. Those were not open during this particular time. It

proceeds up past the access for the hospital and continues on out to the Public Safety building, which is -- somebody's staffing that 24 hours a day.

Q Okay. And you said that the caller, based on the diagram on -- I believe that's Government's Exhibit No. 7. The caller that called in at 3:12 a.m., that was near I believe -- that looks like a Burger King; is that correct?

A Correct. Right there at that intersection for the Burger King is a 24-hour laundromat and just around -- if you take a right from there, you are in sight of the CVS that's open 24 hours a day.

Q And that's not pictured here on Exhibit No. 5; correct?

A No.

Q And when you approached -- or when you did ask him to stop, did you have on your uniform at the time?

A I did.

Q And did you tell him that you were police at the time?

A I do not recall if I actually said I was police or not when I told him to stop; at which point, he went straight into the woods, and I began chasing him.

Q And once you did arrest him, you said that he had a flashlight and a book bag, and I believe you said one other item?

A There was a backpack on him. He had a large flashlight, like a square battery one, in his hand, and he also dropped a

small black flashlight while running.
Q And you were able to recover all of those things?
A We did.
Q Did he voluntarily provide you with his camera as well?
A He did. When he was explaining the situation, his first story as to what had -- the reason why he was out there that late, he gave us permission to look at -- one of the officers to look at the photos, and that's how we came about those.
Q Okay. And one of the things that he said at the time is that there was a male that was in a hoodie, that he was told that he had to take those pictures?
A Correct.
Q And did he tell you any other information about the male in the hoodie?
A He proceeded to explain to me that during this time frame, during questioning him and trying to get some more information about that -- he provided more information as to that male subject with the hoodie was working for the people that were -- that had originally been in his original charges.
Q Okay. And did you investigate whether he -- whether there was some threat to his family or anything?
A Talking with him, the time frame didn't really add up to me at that point. We made contact with his -- tried to make contact with his mother that night. I don't know if anybody actually spoke to her. I don't recall.

Q Okay. But as part of your investigation, have you been able to find out whether there were some threatening matters that was sent to him or his family?
A I have not heard anything of that, no.
Q But do you -- but you didn't do the investigation?
A No.
Q Did Mr. Hill -- when you approached him, did he tell you that he had autism?
A He did.
Q And do you guys -- does your -- I would say does your -- does the department train you on how to approach someone with autism?
A We deal with some academy-wise and not much follow-up after that.
Q Did he also tell you that he was a diabetic as well?
A I do not recall him telling me that, no.
Q Did he tell you that he was also OCD?
A Not that I recall.
Q And when you took him to the hospital, did they admit him into the hospital that night?
A No, they cleared him medically and psychologically and released him to us.
Q Okay. Did you get those reports from -- the medical reports?
A No, I did not do a subpoena for his hospital records.

Q Okay. Did you speak to a doctor or anyone regarding his condition or anything of that nature that night?
A We -- other than just checking with him to see if they were going to be releasing him or admitting him, no.
Q Do you recall any tests that were taken that night besides just checking, I believe you said, his knee?
A No, ma'am. Like I said, when we -- we also checked him for mental health issues is the reason why they cleared him psychologically, to make sure there was nothing going on there. Once they do that, they do lab work and other stuff. I didn't ask about his medical history.
Q Was there any tests dealing with his blood alcohol content or anything of that nature?
A I don't know if they did. Like I said, I did not get his records. They normally do, but I do not have that.

MS. PRYOR: No further questions, Your Honor.

THE COURT: Any redirect?

MR. RAMASWAMY: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. RAMASWAMY

Q Counsel asked you about certain businesses and whether or not they were open in this time frame. Are there residences along this trail?
A It is.
Q Were there residences close to the trail?

A There are.
Q Are there residences where there's no obstruction between the residence and the trail?
A Yes, sir.
Q And this did, in fact, come in on a call of a report of a naked man; correct?
A Correct.

MR. RAMASWAMY: No other questions.

MS. PRYOR: I just have a follow-up on that.

THE COURT: All right.

RECROSS-EXAMINATION

BY MS. PRYOR

Q Were any pictures taken in front of any houses?
A Not on the camera that I saw, no.
Q And the residences that he mentioned, are those residences behind trees on the trail?
A There's some that back up to it that you can see the trail from, along with -- the original call that came in, the trail actually runs right up the side of the road where the original call came in.
Q And did that call come in from a resident?
A No, it was a passerby in a car.

MS. PRYOR: Thank you. No further question.

THE COURT: What time did you say you were on the scene there the first time?

THE WITNESS: The original call came in at 3:15, and I had Mr. Hill in custody at 3:22.

THE COURT: Any further questions from counsel?

MS. PRYOR: No, Your Honor.

THE COURT: Thank you. You may step down.

(At 4:26 p.m. witness excused.)

THE COURT: Any other evidence?

MR. RAMASWAMY: Not from the Government, Your Honor.

THE COURT: Any evidence from the Defendant?

MS. PRYOR: Yes, Your Honor. I would like to call Officer Jason McMurray, Your Honor.

JASON MCMURRAY, DEFENDANT'S WITNESS, being first duly sworn, testified as follows at 4:26 p.m.:

DIRECT EXAMINATION

BY MS. PRYOR

Q Could you state your full name for the Court.

A Yes. Jason McMurray.

Q And where do you work?

A I'm a United States probation officer employed in the Western District of Virginia in the Roanoke Division.

Q How long have you been with the police -- I mean the probation office?

A Over 10 years.

Q Okay. And did you have the occasion to supervise Mr. Brian Hill?

A Yes, sir, I have supervised him Mr. Hill since about July 1, 2015.
Q Okay. And as long as you have been supervising Mr. Hill, has he had any infractions besides the one that we are presently here for today?
A The only one was when shortly after he was released from a prior revocation hearing, for which he was not revoked, he was referred to sex offender specific treatment. After a short time of enrollment, the counselor advised that he was not amenable to treatment and recommended that he be terminated. I advised the probation office in this district, who had, in turn, advised the Court, and the determination was made that if he was otherwise stable with no other concerns or issues, we could just continue with supervision.
Q Okay. And so he continued on supervision.
Did he have the occasion to attend any mental health treatment?
A He saw a private counselor named Preston Page that was paid for by his Medicaid, I do believe. He maintained contact with Mr. Page, and I would check with Mr. Page occasionally to see how things are going.
Q Are you aware that Mr. Hill is diagnosed with autism?
A I am aware, yes.
Q And with your reaction and your interaction with him, have you found -- have you found to determine that you do see some

level of weaknesses when it comes to -- when it comes to your communication with him?
A Sometimes it can be difficult to communicate with Mr. Hill. So I have on many occasions -- he resides with his mother, and I have spoken with Roberta, is his mother's name, to see how things are going. And Mr. Hill has always been respectful. It is hard to communicate with him on -- sometimes, but I will speak with his mother, and I have spoken with his grandparents on occasion as well.
Q Okay. And when you've talked to Mr. Hill, I think you stated it, has he been respectful with you?
A He has.
Q And did Mr. Hill tell you -- did you get an opportunity to speak to him about this particular violation hearing?
A In what regard?
Q Just has he talked to you about what happened or anything, that he spoke to the police officers and that nature?
A When he was incarcerated, he had submitted some letters. We have not spoken face to face or on the telephone regarding a violation.
Q And other than this violation that we're here today, Mr. Hill, to your recollection, has been in compliance with all of the conditions of his release?
A He's been in compliance since I have supervised him until his arrest.

Q Okay. Did you --

MS. PRYOR: Can I have one moment, Your Honor?

THE COURT: Yes.

(Pause in the proceedings.)

BY MS. PRYOR

Q Do you recall what date he was arrested for these matters?

A September 21, 2018.

Q Okay. And do you recall what date the federal -- that the federal Government -- or, let me say, the probation office filed their violation?

A I'm not aware of the exact date that the petition in North Carolina -- this district was filed, but I notified the probation office, and they proceeded to request the violation warrant. I'm not exactly sure of the date.

Q Okay. And do you recall whether Mr. Hill, once he was -- once he was found guilty in Martinsville, did the Federal Government have a hold on his -- on his detainer?

A That is correct, because he was brought into magistrate court in Roanoke for his initial appearance on the violation proceedings.

Q Okay. And can you tell the Court what happened at the particular proceeding? Did you attend that proceeding?

A Yes, ma'am, I did.

Q First, did you attend that proceeding?

A Yes, ma'am, I was there.

Q And can you tell the Court what the judge recommended based on that proceeding that day?
A This took place on December 26, 2018. Magistrate Judge Ballou ordered that he be sent to Butner for a psychological evaluation.
Q And how many days was he supposed to be at that -- or go through that process?
A He was not returned to court until May 14th of this year, 2019.
Q Okay. After he returned May 14th of this year, was he released at that time?
A Yes, ma'am, he was.
Q Okay. And he was released back home?
A Yes, to the home that he shares with his mother.
Q And did that Court find that he was not a flight risk at the time?
A Yes.
Q And since he's been home, I believe you said May 14, 2019, has he been in violation of that particular conditions of that release?
A No, ma'am.
Q Okay. And based on that release, that was -- based on that release on May 14, 2001 [sic], have you had a chance to visit him at home?
A Yes, monthly.

MS. PRYOR: No further questions, Your Honor.

THE COURT: Any cross?

CROSS-EXAMINATION

BY MR. RAMASWAMY

Q You mentioned previously that Mr. Hill's sex offender treatment or counseling was terminated because he was found not to be amenable to treatment; correct?

A Yes, sir.

Q Do you know what the nature of that was?

A Yes, I do. Dr. Keith Fender of Radford Counseling advised that in group treatment Mr. Hill was not accepting responsibility for his underlining charge -- or conviction, rather, and that that would be a detriment to the group, and they determined that he should be removed from group, because part of that is that you accept responsibility and you work through what they call a workbook, which is a quite lengthy piece of material. So it was determined to remove Mr. Hill from the group.

Q And counsel asked you if you had spoke to Mr. Hill about this incident. Did Mr. Hill admit the conduct in this violation, the conduct of this hearing?

A We did not -- we have not spoken face to face. I have not asked him whether he committed the offense. He had written letters when he was in prison discussing the story that we heard previously about the individual asking him to take the

pictures.
Q Let me ask you -- I believe it's Government's Exhibit 8 was the monthly supervision report for the month of August 2018.
A Yes, sir.
Q Have you -- did you previously see that exhibit?
A Yes, I have previously seen the exhibit.
Q Had you seen it before today?
A It is a copy of our monthly supervision report, which we receive timely every month from Mr. Hill, and it was representative of one that he sends me every month.
Q As far as being a registered sex offender and the conditions of his supervision, would that prevent him from going to parks and places where children congregate?
A I would have to review his conditions of supervision, but our standing order in the Western District of Virginia would require permission for someone to go to places that are primarily used by children.
Q Did Mr. Hill ever seek such permission in relation to the Dick and Willie Passage?
A In the past, he has asked for permission during the daytime hours to go on the trail to take pictures of wildlife and nature.
Q Now, the probation office's recommendation in this case is revocation; correct?

A That's correct.
Q Has that changed, to your knowledge, since the time the report has come up?
A To my knowledge, it has not.

MR. RAMASWAMY: No other questions.

THE COURT: Any redirect?

MS. PRYOR: Yes, just one.

REDIRECT EXAMINATION

BY MS. PRYOR

Q Did -- we've mentioned about the sexual offense program. Was there a workbook that was provided to Mr. Hill?
A To my knowledge, there was, and he completed it very quickly, which the workbook, as it's been explained to me, it takes quite some time to complete. There are numerous phases that you must go through, and it's not something that can be completed without presenting the material to the group and receiving feedback. It's not something that can be completed in a couple of weeks or even a month.
Q Okay. And every time that Mr. Hill has went out, Mr. Hill does inform you that he is traveling, or any of that nature; correct?
A Yes, ma'am.

MS. PRYOR: Thank you. No further questions, Your Honor.

THE COURT: You may step down, sir.

(At 4:37 p.m., witness excused.)

THE COURT: Any other evidence for the Defendant?

MS. PRYOR: Yes, Your Honor.

THE COURT: All right.

MS. PRYOR: I call Ms. Roberta Hill, Your Honor.

ROBERTA HILL, DEFENDANT'S WITNESS, being first duly sworn, testified as follows at 4:37 p.m.:

DIRECT EXAMINATION

BY MS. PRYOR

Q Can you tell us your name for the record.

A Roberta Ruth Hill.

Q And what is your relationship with Mr. Brian Hill?

A I'm his mother.

Q Okay. And where does Mr. Hill stay in comparison to where you stay?

A In the apartment below my apartment at 310 Forest Street, Apartment 2.

Q And so is this a type of duplex type of home?

A Yeah, it is.

Q Okay. And so do you work during the daytime?

A No. I'm at home, and I can check on him any time during the day and night.

Q Okay. And so at one time, you guys were having some issues in the same home that Mr. Hill lives in dealing with the chimney; correct?

A Yes. There was damage in his apartment with water damage on his wall and ceiling in his living room.
Q Did you call someone to get that fixed?
A Yeah, I did.
Q Do you recall what the name of that company was that you called to get that fixed?
A No, I can't recall the name of the company.
Q Do you recall how much you paid for getting it fixed, getting the chimney fixed?
A They put -- he found out that it had been -- are you talking about the first time before --
Q Yes, I'm talking about the first time that you got your home --
A Yeah, that was $300 to get it fixed. I was trying to keep birds from going into the chimney.
Q Okay. And so you had a professional come out to get that fixed?
A Yes.
Q And was there an occasion that you had that same professional come back out to review it because of some issues that you stated?
A Yeah, there was another fireplace company that came out to take a look at it in January 30 of 2019.
Q Okay. And when they came out to fix it, did they tell you of anything that might have been happening in the home at the

time?
A Yeah, he said that he found out that all three flues of the chimney had been completely sealed off, and that means that my furnace and hot water heater was venting out through our apartments into -- he said that we would have had carbon monoxide coming into our apartments.
Q Okay. And do you recall what date that you had that particular professional come out and say that?
A January 30, 2019.
Q Okay. And Mr. Hill was -- and you do recall that Mr. Hill was arrested for indecent exposure in Martinsville, Virginia?
A Yes.
Q Okay. And do you recall what that date was?
A September 21, 2018.
Q Okay. Did Mr. Hill -- and do you recall Mr. Hill having a trial in Martinsville, Virginia?
A Uh-huh.
Q And were you present for that trial?
A Not the first trial. I was present for the trial in December, December 21, I think.
Q Okay. Did he get a chance to come home?
A No, he did not.
Q Okay. And do you recall the first time that Mr. Hill got a chance to come home after that particular -- after the first time he was arrested?

A He came home on May 14, 2019.
Q Okay. And did Mr. Hill -- do you recall if Mr. Hill went to the doctor any time in between that time?
A Yeah, he fell down one night. I guess he passed out and hit his head on a desk in his office and managed to somehow get back to his bedroom and fall asleep and whenever -- I set my alarm at 4:30 in the morning to check on him, check his blood sugar. I went down there. I saw all the blood on the pillow and realized something had happened, checked his blood sugar, treated an insulin reaction, and then I called 911 because I didn't know what had happened to him, and I saw that there was a gash above his eye. So the paramedics came out. They recommended for him to go to the hospital. He refused to go in the ambulance. So it took four hours for him to go through his OCD routines before I could get him to the emergency room.
Q Do you recall when that occurred, about the date when that occurred?
A That was during the winter, right after I first got the chimney fixed to keep birds from going into the chimney. It happened right after that.
Q Okay. And you stated that it took about four hours for you to get him to the hospital. I believe you mentioned OCD?
A Yeah, he has obsessive-compulsive disorder, and he does lengthy hand-washing routines and shower routines.
Q Okay. And how long has he been doing that?

A He's been doing that since he was in 6th grade.
Q Okay. And is Mr. -- has Mr. Hill been diagnosed with autism?
A Yes.
Q When was he diagnosed with autism?
A When he was four years old, he was diagnosed by Teacch in Greensboro.
Q And does he have -- and based on him being diagnosed with autism, do you have difficulty communicating with him?
A Yeah.
Q And what do you -- tell the -- can you tell the Court what that means for you and your family?
A Yeah, communication problems. Sometimes when I try to explain something to him, he doesn't quite understand what I'm saying, or he's unable to see my perspective, and sometimes he will get a little upset about it, which isn't unusual for people with autism. So I have to further explain things, or I have to be quiet and let him cool down --
Q Okay.
A -- before I can talk to him.
Q Does he get treatment for autism?
A No. There really -- when he was a kid, he was put on two or three different medications that never really helped him. So we had -- Teacch was coming out to help a little bit with the school, but other than that --

Q Does he get any treatment now for any mental health or autism now?
A No, not for the autism. He is going to a counselor.
Q Okay. And what does he go to the counselor for?
A He goes to Piedmont Counseling a couple times a month because that's what they wanted -- a condition of his bond.
Q And does he -- is he taking any medication at this time?
A Yeah, he's taking a medication to help with the OCD and anxiety. I think it's called Zoloft. I'm not sure.
Q Okay. That's okay.
And as far as -- you mentioned carbon monoxide. Is he taking any -- do you recall if he took any medication for the carbon monoxide treatment?
A No, no, he didn't. We didn't know until four months after he was arrested that we had carbon monoxide in our home.
Q Okay. And once you found out that you had carbon monoxide in your home, have that been treated in your home at this time?
A Yeah, we got it fixed. He unplugged the flue that went to the heater and the hot water heater, and he put a chimney cap on the top. So we don't have any more problems with that. And, plus, we got two carbon monoxide detectors in my apartment and in his apartment.
Q Okay.
MS. PRYOR: I have no further questions, Your Honor.
THE COURT: Any examination from the Government?

MR. RAMASWAMY: Yes, Your Honor.

CROSS-EXAMINATION

BY MR. RAMASWAMY

Q Ms. Hill, you're pretty familiar with your son's case; correct?

A Yes.

Q He files things pretty frequently with the court?

A Yes.

Q Do you assist him with that?

A No. That's his -- I'm not even into legal stuff. He's the one that works the legal information, other than I might look up information for him.

Q You're saying you don't read what he files?

A Sometimes, not all the time because sometimes he's impulsive, and he does it in the middle of night when I'm sleeping, so, no.

Q Well, if he's filing things in the middle of the night, does he have Internet access?

A No, he does not. He faxes.

Q He faxes them?

A Uh-huh.

Q Some of these things are -- they're filed online, though, aren't they?

A No.

Q Are you familiar with his story that someone forced him to

take these pictures?
A Yes, I am.
Q That's a story that he repeated for some time, wasn't it?
A Yes.
Q And it's also in documents that he filed with the court, isn't it?
A Yes.
Q And at some other time, we have his story that carbon monoxide was to blame; correct?
A Right.
Q Does that coincide about when Mr. Hill found out there was a probation report on the same memory card?
A I don't know.
Q You live in the same house with Mr. Hill; correct?
A I'm in the apartment above his apartment.
Q It's a house?
A Yes, connected.
Q Yes. You live in the same house with Mr. Hill; correct?
A Yes.
Q And you claim -- or you're stating there was some type of carbon monoxide problem for which you're trying to relate Mr. Hill's conduct on September 21, 2018; right?
A Right. I saw some things with his behavior prior to that time, that I didn't know what was going on, but I thought that he was acting oddly. But, also, I was being exposed, too, and

I had some problems that I was dealing with, and I didn't understand what was going on.

Q So this wasn't fixed until, I believe you said, January 30, 2019; correct?

A That's whenever it was inspected and we found out about the problem, and he removed the tin, yes.

Q So from September 21, 2018, to January 30, 2019, if you had such a problem, nothing was done to fix it; right?

A Right.

MR. RAMASWAMY: No other questions.

MS. PRYOR: Just a follow-up.

REDIRECT EXAMINATION

BY MS. PRYOR

Q So from September of 21, 2019 -- I mean, 2018, to, I believe you said, January of 30 of 2019, did you see some problems in your home that was happening?

A Yeah. The water damage in my son's apartment got increasingly worse. The ceiling started falling down. I didn't know what was going on because my apartment is right above his, and I wasn't getting any water damage. So I thought initially it has to be the foundation. So I called the foundation place, and they could only come three months later. So I waited for that, and they said it's not the foundation. They thought maybe it's the chimney or the roof. I got a roofing company in. They recommended putting a chimney cricket

in front of the chimney. They thought that would stop it. So I got that done. That didn't stop it. So then I called a fireplace expert out to take a look at it, and he found out that it had been sealed up.

Q And also -- you mentioned that there was also some things that were affecting Mr. Hill during that time that you couldn't figure out. Can you describe some of those things for the Court?

A He was saying that he couldn't think, he couldn't focus, and he was extremely tired. I also was extremely tired, and I didn't know why. I was complaining to my parents. So both of us were complaining about things like not being able to think clearly.

Q Okay.

MS. PRYOR: No further questions, Your Honor.

MR. RAMASWAMY: One follow-up.

RECROSS-EXAMINATION

BY MR. RAMASWAMY

Q Would those things happen more often when you were inside the home with the carbon monoxide?

A Yes.

Q You've heard the testimony about the conduct; correct?

A Yes.

Q That happened outside, didn't it?

A Yes, but, I mean, I was always tired for that period of

time. So, I mean -- and my son was constantly complaining about not being able to think. I can't really say that that was inside the house or outside the house. It was just continually during that time span that we were having problems.

Q As a matter of fact, the testimony showed, based on the camera card time, he was outside for several hours on September 21, doesn't it?

A Yeah.

Q That's not consistent with inhaling carbon monoxide, is it?

A Well, from what I've read online, it can cause a lot of different problems. That can -- it could affect your neurological system. I also was having a lot of head shaking going on. My parents noticed that. So it can affect neurological problems in the body.

MR. RAMASWAMY: No other questions.

THE COURT: All right. You may step down.

(At 4:51 p.m., witness excused.)

MS. PRYOR: No further evidence, Your Honor.

THE COURT: Since the Government's got the burden here, I would be happy to hear from the Government.

MR. RAMASWAMY: Your Honor, in this case, the violation is the Defendant committed the criminal violation of the Virginia Code for indecent exposure. I have given the Court the statute, but, here, if it had only been the phone

call and the arrest, that's one thing, but we have a series of photographs which are just plainly inexplicable.

As to the violation itself --

THE COURT: Let me ask a question about the photographs. They are taken from a distance. How does somebody take a photograph from a distance like that?

MR. RAMASWAMY: I would ask the Court to note a couple of things. One is the officer's testimony about flashlights. He had two flashlights. And, second, in the vantage point of the photographs themselves, note the proximity of the ground, and it would be our contention the camera is simply set on the ground and a timer is used. As a matter of fact, some of them appear to be retakes. Where Government's Exhibit 1, for instance, the top right photo, sanyo096, is too dark, the next photograph in sequence sanyo097 is well lit. In effect, it supports the inference that he repositioned the lights in order to more clearly take the photographs.

There's no one else depicted in these photographs. In every one of them, they appear to be taken with the camera set on the ground.

THE COURT: All right.

MR. RAMASWAMY: In this case, as to the conduct itself -- I'm not at this point addressing anything else -- two things. His initial story is clearly impossible, that someone gave him a camera and told him to take these pictures under

threat of his family, the fact that his violation -- his report to his probation officer is found on the same memory card with him being shown as the author, the conduct for a registered sex offender convicted of child pornography offenses to be naked, not just exposing himself -- this would be a different matter if Mr. Hill had simply been walking and chose to relieve himself and could have technically violated the statute, but Mr. Hill was wearing socks, sandals, and a hat, and that's all.

As shown on Government's Exhibit 7, the map with the annotations, the photographs are taken some distance away, not only from his residence, but where he was observed and reported to the police naked and where he's arrested, that the duration of the conduct, the nature of the conduct, photographing the conduct for whatever reason all support the violation. We would ask that he be found in violation.

THE COURT: All right.

Ms. Pryor?

MS. PRYOR: Thank you, Your Honor.

Your Honor, we, of course, would ask that he does not be found in violation, Your Honor. As you've had the opportunity to hear, Your Honor, the statute does indeed state that every person who intentionally makes an obscene display or exposure of his person shall be found guilty of a Class 1 misdemeanor.

Your Honor, I believe that we presented evidence here

today that would discredit the intent of the party, or the intent of Mr. Hill. One of the elements that we are faced here with is the intent element here. Your Honor, I believe that the Government, one, has not provided the intent and, two, that this Court has the opportunity to determine the facts that were presented today to determine whether the intention of the party was to make an obscene display or expose himself -- exposure of himself.

Your Honor, you had the opportunity to hear from his mother, who stated that at the time of this incident that there has been evidence that there was some carbon monoxide that had been displayed in their home, and based on that, Your Honor, she went further to state that in her research, Your Honor, when it comes to carbon monoxide, that based on that research, that it does causes some level of delusion, some level of -- they even talked about -- she even discussed possibly that they were beginning to have some headaches, that there were some things that --

THE COURT: How do I rely on that in this hearing? That's hearsay, and it's --

MS. PRYOR: It is hearsay.

THE COURT: I mean, it's not -- it's scientific evidence, and there's no indication she's qualified to -- I don't even know what her source was, whether it was Wikipedia or what have you. So I am concerned about whether there's

enough scientific foundation for any conclusions about the effect of carbon monoxide.

MS. PRYOR: Your Honor, we do understand that, Your Honor, but the factual part of what she did state was the things that affected her, Your Honor, and the things that she did, who has been his caretaker -- the things she saw affect him.

So, Your Honor, we would state that there was some level of affect that was going on that can be determined just to Mr. Hill presently, Your Honor, that would show some level, and then to actually have the evidence that there was some carbon monoxide and to begin to start the process of fixing it.

So, Your Honor, we would state that Mr. Hill, based even on this -- based on this statute, that the intent factor has not been met here today, Your Honor, and that he should not be found in violation of his release conditions, Your Honor.

THE COURT: Okay. I am going to find that the preponderance of the evidence demonstrates that Mr. Hill did violate the condition of release by violating the Virginia Code 18.2-387. As the officer testified, it's actually the local version, but it's apparently the same statute, and that's what he's charged with in that he did intentionally expose himself and make an intentional either obscene display and actually exposure -- intentional exposure of his person. The photographs are evidence of that.

He's also seen, by the officer's independent testimony, to have been naked at the time and was running around the neighborhood. So I credit the testimony of Sergeant Jones and find him to be credible and that about September 21, 2018, that the Defendant was naked and running around Martinsville, Virginia, taking pictures, which are indicated in the Government's exhibits.

As to the testimony about intent -- or the argument about intent, the evidence on a preponderance basis demonstrates that Mr. Hill intended to do this. The story about him being forced to do this by another individual finds no support in the record. It's also inconsistent with some of the information that's testified to by Sergeant Jones, who -- I went back and was just checking his testimony, who did say that the other individual, the male, asked him to -- or demanded he take pictures. There's no testimony by anybody that there was any kind of threat like that made, and the camera that allegedly was given to Mr. Hill to take these photos, it strikes me as virtually impossible that it would contain a copy of the Defendant's own court records. So that's inconsistent with that story as well.

So I'm going to find the preponderance of the evidence demonstrates the Defendant violated Virginia law by indecently exposing himself at the time alleged. So I'm going to find as well that the violation was willful and without

lawful excuse.

He originally was convicted of a Class C felony. He's a Criminal History Category I. This is a Class C violation. The guidelines provide a 3- to 9-month advisory imprisonment range. The most that can be imposed on him is 24 months.

As to supervised release, the original term of supervised release available under the statute is, I believe, 5 years to life. He had had 10 years of supervised release imposed by Judge Osteen, but the term that's available could be 5 years to life under the statute.

I will say it would be my intention to work off the 10 years and work -- and consider nothing more than the 10 years that Judge Osteen -- that's the maximum that I would consider for supervision. Does that make that clear?

MS. PRYOR: Thank you, Your Honor.

THE COURT: That would be my intention, but I would be glad to hear from you all as to that.

So do you agree or disagree that those are the proper guidelines?

MS. PRYOR: That was the proper guidelines, Your Honor.

THE COURT: Mr. Ramaswamy?

MR. RAMASWAMY: Yes, Your Honor.

THE COURT: So I've got about 10 minutes, and we can

continue this, if we need to, in the morning or on another date. I would be happy to hear from you as to an appropriate disposition in this case.

MS. PRYOR: Thank you so much, Your Honor.

Your Honor, today we are asking Your Honor -- I would note, and I think you heard on testimony as well, that Mr. Hill was on a federal detainer. I believe it began on December -- we tried to come to a date about, but I believe it was around December 21 of 2018, and he was held into custody until May 14 of '19. So, Your Honor, that's give or take about 6 months already.

This violation, as you note from the guidelines, Your Honor, is a -- falls within that period of time, Your Honor. I believe 6 months is, I believe, in the revocation that they were asking for. It was around the middle, which would put us right at that 6-month period.

Your Honor, we would ask that you would give him credit for time served for that particular time, to continue him on supervised probation that you've -- I mean, I'm sorry, supervised release, Your Honor, pending that, but, Your Honor, I do believe that he has served and he was -- as we can recall, he was on that detainer, Your Honor. He could not leave, of course, or if he even -- with the bond. So we can conclude that he definitely was on a federal detainer at that time. He did get released on conditions from the Virginia -- from

Virginia, and so that would also conclude that he did have that time and it was through the Federal Government.

THE COURT: Will the Bureau of Prisons give him credit for the time that he was sent to Butner as time-served credit or not?

MS. PRYOR: I'm not sure, Your Honor. I actually called the Bureau of Prisons before so I could know that answer. That was actually my question as well. Your Honor, I'm not sure how that process works, and I was waiting on someone to call me back from the Bureau of Prisons. And I believe the attorney was supposed to call me back in order to conclude that or give us an estimation of whether the Bureau does consider time when you're determining competency, whether that time is conclusive or does it even give them credit for that when it comes to a sentencing term.

So, Your Honor, I don't have that answer. I would like to, of course, get that answer, Your Honor, because as I'm standing here asking for you to use it as credit, I can't factually or be able to --

THE COURT: I understand.

MS. PRYOR: Okay. Thank you.

THE COURT: Anything further?

MS. PRYOR: So, Your Honor, I would ask -- of course, that is the sentence that they have requested, but, Your Honor, we would ask the Court for the bottom of the guidelines, Your

Honor.

I would remind the Court that he does have autism. I remind the Court that he has OCD. I remind the Court that he does have some debilitating health issues that he does have that deals with his diabetes.

Your Honor, Mr. Hill in custody or in prison is very destruction to him as a person, who does see things and perceive things, of course, differently than we do as being on the autism spectrum.

THE COURT: Is he still in custody now?

MS. PRYOR: He is not in custody now.

THE COURT: He was released May 14?

MS. PRYOR: He was, Your Honor.

THE COURT: From Butner?

MS. PRYOR: No, he was released from court, Your Honor. He actually got out of Butner I believe it was around February, and then he was -- then he went back to court, and then he was released on conditions.

THE COURT: So he was released from Butner in February?

MS. PRYOR: He was released from Butner in February. They sent him to another custody situation, I guess, just in the process, and some things -- and this is why I bring this up, too. Because of his autism, he has some issues in the jail with one of the wards, and they were supposed to send him back

directly after, but they put him in some level of solitary in another jail.

All in all, he didn't get back, of course, until May 14, and so that's why I stand here and ask for the credit, because I would hope that the Court would -- and I say that because we do understand that you've made that he has violated this, and based on that, there is a punishment that must go with it; but, Your Honor, I would state because of his condition and because of OCD and because of autism, the courts and BOP, having to learn to deal with someone with autism, I don't believe that they are there yet, which makes it difficult on the person. And because of -- you know, because of that, Your Honor, I would ask that if you do find that you want to sentence him, there are some other alternative ways of sentencing him. He's been successful, as you heard from his probation officer, being at home, home detention where he cannot leave --

THE COURT: Before you go on further, let me just see what the Government's position is, but I don't know if they're opposing. He's essentially been incarcerated now for close to 6 months, in some form or another.

Are you opposing some kind of sentence that would be in effect a time-served sentence?

MR. RAMASWAMY: Yes, Your Honor.

THE COURT: Okay.

MS. PRYOR: And so, Your Honor, there are some other alternative ways of doing prison -- or doing punishment. As you heard, Mr. Hill has been successful with being at home. He can be placed on home detention. He can have an electronic monitor. He can be placed on home detention for up to 6 months, even up to a year, if Your Honor so requires.

Him being at home, he has the opportunity to -- I mean, he won't have the opportunity to leave. His family does travel, and they do enjoy traveling. He won't have the opportunity to travel, some of the things that he takes -- some of the things that he enjoys doing.

Your Honor can also make it any other conditions that, of course, Your Honor would provide, but, Your Honor, I would ask because of what he -- because he's been successful through his probation of showing that he is consistent about sending his report, he's consistent about contacting them, he's consistent about making sure that they know where he is at all times, he's consistent about being respectful to the officer, so I would state that having him at home with his family and even if -- like I say, even if it's more closed in where he cannot leave the home I think would still satisfy the punishment that is here.

As you heard, he does -- I believe they stated that he walks that trail even during the daytime. So he does enjoy going outdoors. So having the -- where the Court would tell

him he could not go outdoors anymore is a punishment as well.

So, Your Honor, I do believe that you can satisfy the factors here of the condition of him being at home on detention. Whether 6 months to a year, you can satisfy the condition of whether it would be a deterrence because, as you note, Mr. Hill does like to travel with his family. So that is the deterrence, that he won't be able to travel.

And being with his autism, his mindset and what he thinks is differently than what it is for us or any other prisoner that we could sentence to custody. His punishment is just the violation, being sentenced to -- him being violated. That's the difference of the sentence that he gets here today.

So, Your Honor, I would just ask that you would consider those other alternative ways of punishment today and that you would sentence him within the guidelines but through alternatives ways of doing it.

THE COURT: All right.

MS. PRYOR: Thank you.

THE COURT: All right. Mr. Ramaswamy?

MR. RAMASWAMY: Your Honor, I don't wish to prolong -- I don't wish to speak so long that the Court is going to miss any deadlines.

THE COURT: Well, how long do you want to speak? What is it the Government's arguing for?

MR. RAMASWAMY: I would first say that the Defendant

is a registered sex offender who spent at least three hours out that night naked, photographing himself for some unknown reason. And the Court has also heard testimony that there were other reports of a naked man in a stocking cap, and he's shown wearing a stocking cap prior to this, and that there were no such reports after Mr. Hill's arrest.

This is not Mr. Hill's first violation. He was not revoked last time, and I'm not saying that would have been appropriate; but on these facts, it is completely appropriate. The probation officer is recommending the high end here. Under the Chapter 7 limits and not going into Protect Act, I would concur with that. I would ask the Court to sentence him to the 9 months. I don't know if whatever time he spent in the evaluation counts. I can't say.

THE COURT: Should I take that into account? I mean, he was essentially locked up for 6 months.

MR. RAMASWAMY: Yes. I'm not saying it's not appropriate that the Court take it into account, but I don't think simply telling Mr. Hill to stay at home and make him wear a monitor -- he's proven he can't self-regulate. He's consistently denied the offense conduct of the original offense, of the other violation. It's always some nefarious, outside force that makes Mr. Hill do things, now from someone handing him a camera until, here, carbon monoxide. Mr. Hill has consistently shown he doesn't take responsibility for what

he does, and he's inappropriate to trust in the form of self-regulation.

THE COURT: What role does his autism play in all of this?

MR. RAMASWAMY: I think we're all familiar with what's in the reports as to his mental state. More than the autism, there is the diagnosis of delusional disorder. That is in his prior records. I think the Court has dealt with persons with autism before, and that's a larger topic to get into than here. I think we've all been considerate. The Government, the Court, the Court in the original case, counsel has been considerate of the Defendant's mental condition, but on this conduct, there is an overriding concern of public safety.

Even at the high end of what's recommended, it's likely lower than someone without Mr. Hill's condition would have gotten on these facts.

THE COURT: So what's the punishment for this in Virginia? He's been convicted. What has he been sentenced to? Do you know?

MR. RAMASWAMY: I don't know what the original sentence was.

THE COURT: Ms. Pryor probably knows. What was his sentence?

MS. PRYOR: Your Honor, he was given credit for time -- he was given credit for time served. I believe it was

a 60-day sentence, Your Honor, because it's less than a year.

THE COURT: Okay. Was that in addition to the 6 months he was in federal custody?

MS. PRYOR: No, that was not, Your Honor.

THE COURT: All right.

MR. RAMASWAMY: Thank you, Your Honor.

THE COURT: Mr. Hill, is there anything you would like to say on your own behalf before I make a decision as to a disposition of your case? Let me say to you that you have no obligation to speak. You enjoy the right to remain silent under our Constitution. If you wish to remain silent, I will not hold that against you. On the other hand, if you would like to say anything before I make a decision, this would be the right time.

THE DEFENDANT: Respectfully, yes, I do, Your Honor. I would like to bring up that I have been involved in a 2255 motion since 2017. If I have to admit guilt to something I did not do, I would be committing over five acts of perjury. So am I going to be required by the probation office to commits acts of perjury, because I kept saying under penalty of perjury, I'm innocent? I filed something that the guilty plea cannot be valid if I withdrawed it. The 2255 is still pending before this Court, and to force me to admit guilt to something I did not do is detrimental and puts me at risk of multiple perjury charges.

And the carbon monoxide -- I have a lot of proof, Your Honor. I've got sinus tachycardia. I've got abnormal red blood cell count, abnormal white blood cell count. All these are in medical records, and the National Institute of Health -- my mom has documents from the National Institute of Health and government agencies saying that carbon monoxide can be linked to all kinds of problems that I had had last year, like psychosis and hallucinations. And I have credible government documents that all backs up everything I'm saying. That's why I sent a letter to Martinsville Police Department on the conduct, apologizing and saying that, look, carbon monoxide caused this.

There might be a guy in a hoodie. There was a threatening greeting card that my mother did receive that said they will do a controlled action against my mother if she doesn't stop putting stuff on YouTube. If she doesn't stop what she's doing, they're going to commit a controlled action against her. That was July 2018.

Your Honor, there's a lot more evidence that couldn't be presented at this hearing. We needed more time. That's why I filed the notice of interlocutory appeal. We would have had witnesses to come and testify. We need more time, and I need to go through the state appeal because I am actually innocent. According to my lawyer, Scott Albrecht, the public defender of Martinsville, he said, you are innocent because you did not

engage in obscene-type conduct. And that means, you know, I never masturbated. I never did anything sexual. I was just naked. So he said that I am legally innocent under the Commonwealth of Virginia. That's why I'm appealing it so that I could be found actually innocent, and I plan to file a motion for the writ of actual innocence in Virginia. Even though it's normally sent to -- you know, felonies, I'm going to try to push for it, and I'm going to ask the Attorney General to have me found actually innocent because I am actually innocent.

THE COURT: All right, sir.

Can I speak to the probation officers briefly, please?

(Off-the-record discussion.)

THE COURT: All right. I've already found by the preponderance of the evidence that the Defendant violated the valid conditions of his supervised release, and the violation was willful and without lawful excuse. I'm going to order that the supervised release term be revoked.

I've considered the factors under 3553(a) that apply under 3583(e) in this case, and one of the factors is the nature and circumstances of the offense. Here, the Defendant was exposing himself throughout the city of Martinsville, and the photos are part of the record in this case, which indicate how he exposed himself, which is proof of the exposure, which I found to be a violation of the indecent exposure law in

Virginia.

Another factor is the history and characteristics of the Defendant. I've considered the multiple factors here indicated, including the Defendant's autism and his OCD, the diabetes, his age.

And I'm concerned about deterrence because this is the second hearing we've had on revocation. The exposure in this case was intentional and purposeful. There's really no way to explain otherwise. He's running around naked, taking pictures of himself and posing for the pictures of his genitals, and he's doing it in the open in the public. How he would have thought he'd never have been caught by this is kind of hard to fathom, but maybe because it's 3:00 in the morning.

I'm trying to take into account and give heavy deference to the fact that I know he has autism. On the other hand, he's extremely articulate in his various filings with the court and his allocution. Mr. Hill is very capable of explaining things. It may not always be rational, but he's capable of explaining things. So I am trying to distance all of that.

In this case, I'm taking into account the fact that he's been in federal custody since December 21st.

MS. PRYOR: Yes, Your Honor.

THE COURT: I'm going to impose the 9 months. That's within the guideline range that the probation office has

recommended. That is the high end of the guidelines.

As a practical matter, that's, I think, 3 months from now, roughly 3 months from now, because I am anticipating that he should be getting credit for all of his time since December 21st because he's been in federal custody. Whether he's been at Butner being evaluated or wherever he was, he was in still in federal custody.

So my sentence of 9 months is under the understanding that he's getting credit for his time since December 21. It's also acknowledging that he's been in state custody before that and was punished in state custody, but the violations of supervised release, generally speaking, run consecutive to state punishment. And in this case, I think that's an appropriate punishment.

The willfulness of this violation is what still strikes me. Even though I know he's autistic and he has issues, it's hard to deny the willful, intentional conduct here.

So I'm going to order that Mr. Hill be committed to the custody of the United States Bureau of Prisons for 9 months. As I've said, that's with the intention that that would essentially be running from December 21, 2018, to the present because he would be getting federal credit for that time.

I am going to reimpose 9 years of supervision in this

case under the same terms and conditions already disclosed in this case.

All right?

MS. PRYOR: Your Honor, I do have a question. If the attorney or -- once they do return my call, if they do not give him credit for that 5 months that he was in custody, is that still Your Honor's position?

THE COURT: No. My belief is he should get that credit. So my sentence is based on the understanding that he will be getting credit since then. What I guess I would tell you is it will take me a few days to get the judgment prepared.

MS. PRYOR: Yes, Your Honor.

THE COURT: I would encourage you to check with the Bureau of Prisons and be sure about that. If that's a problem, let me know, and under Rule 35, I think it is, I will regard that to be a mistake in fact.

MS. PRYOR: That's correct.

THE COURT: Unless there is an objection by the parties, I would consider making that change to reflect that.

MS. PRYOR: Thank you, sir.

THE COURT: Anything else? Have you had an opportunity speak -- oh, is he in custody now?

MS. PRYOR: He is not in custody, Your Honor.

THE COURT: He's been out of custody at the present time. Is this a case where he can self-report, and is there

any objection?

MS. PRYOR: Your Honor, that would be my request, Your Honor. His family did come all the way from Martinsville, Virginia, and the probation officer and him have a great, great relationship.

THE COURT: Let me ask: Is there any objection to self-reporting?

MR. RAMASWAMY: For the Government, I do oppose it, Your Honor. I understand Probation's position, if I'm not mistaken, is he be allowed to self-report.

THE COURT: What is the Probation's view?

THE PROBATION OFFICER: Your Honor, he's followed instructions thus far. I don't see why he wouldn't now.

THE COURT: Is he on location monitoring?

THE PROBATION OFFICER: No, sir, not at the present time.

MS. PRYOR: Your Honor, we have no objection to him being on location monitoring, but I would ask that he does self-report. He's never had an issue with Probation.

THE COURT: I'm -- given the myriad of factors in this case -- he's still living with his mother; right?

MS. PRYOR: He does.

THE COURT: I'm going to find he's not likely to flee or pose a danger to the community under circumstances where he's on GPS monitoring. So I'm going to add a condition to his

supervision that he be given GPS location monitoring, and he can self-report then.

Do I have a date, Ms. Engle?

MS. PRYOR: Your Honor, this might be a stretch to ask, but I believe his next court date is December 3. I was wondering, Your Honor -- it's really important to him that he be able to attend that hearing -- if it could be a date after December 3 to report.

THE COURT: Any objection?

MR. RAMASWAMY: Your Honor --

THE COURT: It's going to take Bureau of Prisons 6 or 8 weeks at a minimum.

MS. PRYOR: It does, Your Honor.

THE COURT: So we'll be into November.

MR. RAMASWAMY: Given the conduct, the Government does not consent to that.

THE COURT: Okay.

THE PROBATION OFFICER: Your Honor, just as a matter of logistics, if he were to be released to location monitoring technology, that technology should be installed immediately. We would request a -- that the Court agree to a short delay of the installation of that, just given the logistics of him traveling back to the Western District of Virginia and the Western District of Virginia installing their equipment.

THE COURT: How many days would you like before?

THE PROBATION OFFICER: Your Honor, I think we can take care of that Monday.

THE COURT: So you can add that to the condition, that within 7 days that it be placed at the discretion of Probation. How about that? Does that work?

THE PROBATION OFFICER: Thank you, Your Honor.

THE COURT: All right. So as long as he's on location monitoring, I'll set it for Friday, December 6, noon, report to the U.S. Marshal in Greensboro, if he hasn't received a designation.

THE PROBATION OFFICER: I apologize, Your Honor. Just for further clarification, is that a home incarceration or a curfew? He would need to be placed under one of the three programs as well.

THE COURT: Is there a recommendation?

THE CLERK: Is it a revision? An order of release or a condition of his supervision?

THE COURT: Well, I don't know -- we'll figure out that in a minute.

THE PROBATION OFFICER: I would simply recommend at least a curfew. With GPS, you can order a curfew that's restrictive enough to monitor his whereabouts throughout the day.

THE COURT: Okay. That's a -- the case manager raised a good question. This is actually not a condition of

supervision. I think this is going to be a release condition so he can remain on his own. So the magistrate judge's order on release will be modified to add a condition for location monitoring. You think home -- a curfew is sufficient?

THE PROBATION OFFICER: Your Honor, I believe a curfew that's at the discretion of the probation officer would be --

THE COURT: I will add a curfew at the discretion of Probation. Probation is doing an excellent job of working with Mr. Hill. I just want to make sure that he's in at night.

MS. PRYOR: Yes, Your Honor.

THE COURT: All right. I don't want him running around naked anymore anywhere.

MS. PRYOR: Yes, Your Honor.

THE COURT: Does that address all those issues?

MS. PRYOR: It does, Your Honor.

THE COURT: Ms. Pryor, let me know right away if you hear otherwise.

MS. PRYOR: I will, yes, sir.

THE COURT: Because the judgment will be issued here shortly.

Have you had an opportunity to speak with Mr. Hill about any appellate rights he may have?

MS. PRYOR: I have, Your Honor. He would like to file his notice of appeal.

THE COURT: For the record, just so that I've advised him, make sure he's aware, if he does want to file a notice of appeal, he must do so in writing within 14 days of the entry of the Court's judgment. If he cannot afford the cost of his appeal, he can ask the Fourth Circuit to waive the cost.

If you want to file the notice of appeal -- I haven't entered a written judgment yet, but it only has to be entered within 14 days of the written judgment.

MS. PRYOR: I understand. Thank you, Your Honor.

THE COURT: Ms. Hill, please keep an eye on your son. I hope there won't be any problems between now and whenever he gets a reporting date so that we don't have any further issues. Okay.

MS. PRYOR: Thank you so much, Your Honor.

THE COURT: Good luck. I know it's a challenge.

All right. Anything further?

MR. RAMASWAMY: No, Your Honor.

THE COURT: All right. Please adjourn Court.

(END OF PROCEEDINGS AT 5:35 P.M.)

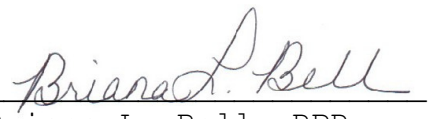
UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF NORTH CAROLINA

CERTIFICATE OF REPORTER

I, Briana L. Bell, Official Court Reporter, certify that the foregoing transcript is a true and correct transcript of the proceedings in the above-entitled matter.

Dated this 4th day of November 2019.



Briana L. Bell, RPR
Official Court Reporter

EXHIBIT 5
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,	)	
	)	
v.	)	**CASE NO: C18-3138**
	)	
BRIAN DAVID HILL,	)	
Defendant.	)	

ORDER

This case came this day to be heard upon the written motion of the Defendant, BRIAN DAVID HILL, by counsel, who moved, pursuant to Rule 7C:5 of the Rules of the Supreme Court of Virginia, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in said Rule, and

It appearing to the Court that discovery pursuant to Rule 7C:5 should be granted to the Defendant, it is hereby ORDERED and DECREED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the preliminary hearing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth;

(2) A copy of any criminal record of the accused; and

(3) Any exculpatory information or evidence as set forth by *Brady v. Maryland* and its progeny that is known to the Commonwealth.

And it is further ADJUDGED, ORDERED and DECREED that the Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material

subsequently discovered which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

ENTER this 28 day of November, 2018.

Judge

I ASK FOR THIS:

Scott Albrecht, Esq. (VSB #88411)
Office of the Public Defender
P.O. Drawer 31
Martinsville, VA 24114
T: (276) 666-2206 ext. 106
F: (276) 666-8929
salbrecht@mar.idc.virginia.gov
Counsel for Defendant

SEEN and Agreed:

Attorney for the Commonwealth
City of Martinsville, Virginia
P.O. Box 1311
Martinsville, VA 24112
T: (276) 403-5470

Michael McPheeters
Returned for
Bond hearing
10-12-18
9:45a

RECEIVED
DATE/TIME 11-28-18 11a
BY D. Collins D. Clerk
MARTINSVILLE GENERAL DISTRICT COURT

EXHIBIT 6
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs. CR19-009

BRIAN DAVID HILL,
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeblemindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 6th day of February, 2019.

Judge

I ASK FOR THIS:

Scott Albrecht (VSB #88411)
Office of the Public Defender
P. O. Drawer 31
Martinsville, VA 24114
276-666-2206
276-666-8929 (fax)
salbrecht@mar.idc.virginia.gov

SEEN:

Counsel for the Commonwealth

EXHIBIT 7
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF MARTINSVILLE

COMMONWEALTH OF VIRGINIA,
Plaintiff

vs. CR19000009-00

BRIAN DAVID HILL,
Defendant.

ORDER REGARDING DISCOVERY

Came this day, the Defendant, Brian David Hill, by counsel, who moved, pursuant to Rule 3A:11 of the Rules of Court, that the Commonwealth's Attorney be directed to permit the Defendant discovery in this case, as set forth in the said Rule, and upon the motion of the attorney of the Commonwealth requesting reciprocal discovery under the said Rule; and,

It appearing to the Court that discovery pursuant to Rule 3A:11(b) should be granted to the Defendant, it is hereby ORDERED that the Commonwealth's Attorney permit counsel for the Defendant to inspect and copy or photograph, within a reasonable time, before the trial or sentencing, the following:

(1) Any relevant written or recorded statements or confessions made by the Defendant, or copies thereof, or the substance of any oral statements or confessions made by the Defendant to any law enforcement officer, the existence of which is known to the attorney for the Commonwealth, any certificates of analysis pursuant to §19.2-187, and any relevant written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine, and breath tests, other scientific reports, and written reports of a physical or mental examination of the Defendant or the alleged victim made in connection with this particular case, or copies thereof, that are known by the Commonwealth's Attorney to be within the possession, custody, or

control of the Commonwealth.

(2) Any exculpatory information or evidence under the guidelines established by Brady v. Maryland, 373 U.S. 83 (1963), and subsequent case law, whether by way of statements, real evidence, scientific analysis, or reports, known to or in the possession of the Commonwealth.

(3) The Commonwealth shall promptly notify counsel for the Defendant of the existence of any additional material subsequently discovered (until the time of trial and at trial) which falls within the scope of this motion and make all such additional material available to the Defendant's attorney in accordance with the text and intention of this Motion.

It appearing to the Court that the motion for reciprocal discovery filed by the attorney for the Commonwealth pursuant to Rule 3A:11 should also be granted, it is hereby ORDERED that counsel for the Defendant permit the Commonwealth's Attorney to inspect, copy, or photograph, within a reasonable time, but not less than ten days before the trial or sentencing, any written reports of autopsy examinations, ballistic tests, fingerprints, blood, urine, and breath analyses, and other scientific tests that may be within the Defendant's possession, custody, or control and which the defense intends to proffer or introduce into evidence at the trial or sentencing:

It is further ORDERED that the Defendant disclose whether he or she intends to introduce evidence to establish an alibi, and, if so, to disclose the place at which he or she claims to have been at the time of the commission of the alleged offense.

It is further ORDERED that if the Defendant intends to rely upon the defense of insanity or feeblemindedness, the Defendant shall permit the Commonwealth to inspect, copy, or photograph any written reports of physical or mental examination of the Defendant made in connection with this particular case.

It is further ORDERED that the inspection and copying or photographing by the counsel for the Defendant shall take place at the office of the Commonwealth's Attorney at Martinsville, Virginia, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours, and that the inspection and copying or photographing by the attorney for the Commonwealth shall take place at the office of the counsel for the Defendant, or at some other mutually agreeable location, by appointment or at any convenient time during regular office hours.

ENTERED this 15th day of July, 2019.

Judge

I ASK FOR THIS:

Scott Albrecht (VSB #88411)
Office of the Public Defender
P. O. Drawer 31
Martinsville, VA 24114
276-666-2206
276-666-8929 (fax)
salbrecht@mar.idc.virginia.gov

SEEN:

Counsel for the Commonwealth

EXHIBIT 8
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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Body Cameras Proving Useful for Martinsville Police

by
Wednesday, May 1st 2013



Martinsville, VA -- The Martinsville Police Department says a small device has been making a big difference in fighting crime.

About a year ago, they got 38 cameras that the officers wear. They received the cameras because of a grant from the Virginia Municipal League. And they say they have really proven

abc 13 NEWS LIVE

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Even on a very routine call, every word spoken and every movement taken will be captured



"Having this thing with us is like having someone with us whose memory is infallible," said Sgt. Chad Rhoads with the Martinsville Police Department.

Captain Eddie Cassady calls the cameras "like another officer" watching out for his force.

"They have been very useful for us," said Cassady.

For about a year, every Martinsville Police patrolling officer has worn one of these cameras. And for such a small device, it does a lot even capturing the sound of cars driving by in the distance.

"It helps clear up any disagreements. Anytime you talk to somebody, there are two different versions of what went on," said Rhodes.

And Rhoads explains, this camera shows the real version.

"It helps us investigate cases. It also helps us identify potential witnesses in other crime scenes too," said Cassady.

In the past few months, it did something they didn't even expect. When a man accused officers of assaulting his wife, Cassady says the cameras proved the accusations false.

"Once we viewed it we were able to consult with the Commonwealth's Attorney and place charges for filing a false report," said Cassady.
Captain Cassady says they have used the video as evidence in many cases throughout the year. So, they say it has really done it's job.

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EXHIBIT 9
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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Interview and Interrogation of people with autism (including Asperger syndrome)

By Dennis Debbaudt

Conducting on-scene interviews of victims, witnesses, and suspects, a routine event for patrol officers, allows the officer to gather basic information such as who, what, where, when, and why. The officer uses this information to assess situations and decide on further action.

An interrogation differs somewhat from basic fact-gathering since it tends to focus more on a subject who probably is suspected of a criminal act. Different techniques, rules, and procedures apply during an interrogation. A law enforcement professional may be trained in the techniques of interrogation, the rules that apply - such as when to advise suspects of their legal rights - and what procedures to use - such as the venue, environment, or comfort level of the suspect. An interrogation is conducted when there is reason to suspect that a person knows more about or was involved in committing a criminal act.

Whether it is a simple field interview, or a more focused interrogation, dealing with persons with autism presents unique challenges and considerations.

Misleading indications of guilt

There will be occasions when first-responders refer a case involving a person with autism for further questioning. In most cases this will involve an individual who apparently communicates very well and has achieved a high level of independence in the community. The person may have been found at or been identified by others as being at the scene or possessing knowledge of a crime.

Higher-functioning or more independent individuals with autism may live alone or without constant supervision, be able to drive or use public transportation, hold a job, and enjoy leisure activities. They may possess apparently normal verbal skills but be deficient in comprehension, social awareness, and decision-making. They may appear as quite normal at first, but the symptoms, behaviours, and characteristics - for example, providing blunt or tactless answers, changing the subject, or being unable to understand or accept a rational answer - will become apparent to the educated investigator. However, without an understanding of the disability it will be easy to misinterpret the information provided as an indicator of guilt.

They may provide no eye contact at all, even when a questioner shifts their position to obtain it. The person may have been taught to give eye contact but this may be perceived as insincere, glaring, or fixated. The interviewer may mistake this unusual eye contact as a tension-relieving technique used by a guilty person, when it is nothing more than a symptom of the condition of autism.

When stressed, communications skills may diminish or disappear. Answers may seem evasive or unconnected to the question that was asked. Individuals may appear belligerent, argumentative, stubborn, or inattentive - behaviour that may seem indicative of a person with something to hide. They can easily become the object of increased scrutiny by the questioner. What started as a routine fact-gathering task may turn into an unnecessary interrogation because an officer, unfamiliar with the behaviours of ASDs may have had their law enforcement instincts rightfully aroused.

Possible traps when interrogating a person with autism

Techniques used during interrogations may include the use of trickery and deceit:

'Without some elements of "trickery", such as leading the suspect to believe that the police have some tangible or specific evidence of guilt, many interrogations will be totally ineffective' (Inbau and Reid 1967, p.196).

'Only one important qualification has been attached to the rule; the trickery or deceit must not be of such nature as to induce a false confession' (Inbau and Reid 1967, p.195).

The higher-functioning person through his or her responses, and the unaware interrogator through

their beliefs, may become unwitting accomplices to continuing a faulty investigation in the best case or, in the worst case, to extracting a false confession.

The following are some possible traps that interrogators can fall into when conducting the interrogation of a person with autism.

Memory Skills

Interrogators should understand that the person with autism may have highly developed memory skills. The person may have learned to commit facts or the statements of others to memory: This rote skill may allow him or her to quickly assimilate and regurgitate data. The individual may be more proficient in his or her expression of these facts than in comprehension of them. He or she may have developed a sophisticated form of echolalia, echoing and repeating the words of others. For example, the person with autism could memorize the allegations of a citizen overheard at the scene, facts inadvertently provided by a first-responding officer, and details of some of the circumstantial evidence that an interrogator has revealed during questioning. Under these circumstances, the person with autism could provide a very convincing untrue statement or false confession. At the least, this knowledge could be misconstrued as real familiarity of facts that only a guilty person could know.

The Interrogator as Authority Figure

Persons with autism may have been conditioned through their lifetime to look to authority figures to make many of life's important decisions for them. They have learned to depend on and trust these authority figures to be right. The interrogator may be viewed as another authority figure that is always right. 'If he thinks I robbed the bank, maybe he's right' is a conclusion that the confused person with autism may develop during an interrogation.

Friendly-Unfriendly

Persons with autism may have a hard time developing friends. They may seek the friendship of others, only to be continually disappointed. They may repeat social gaffes that others find repelling, and they may learn little from these friend-seeking experiences. Although they may not have learned how to make a friend, this will not stop them from trying.

The interrogation techniques of friendly-unfriendly interrogators have the potential to produce false confession from such persons. 'The friendly-unfriendly act is particularly appropriate in the interrogation of a subject who is politely apathetic - the person who just nods his head as though in agreement with the interrogator, but says nothing in response except possibly a denial of guilt' (Inbau and Reid 1967, p.64). The person with autism may involuntarily give an interrogator the impression that he or she is apathetic, and may deny guilt because he or she is innocent.

The friendly interrogator may convince the trusting individual that they are, truly, their friend. The person with autism has now just made a new friend, and 'if my friend wants to know about me robbing a bank, then I'll tell him just to keep him around.' Rather than telling the truth, the person will tell his or her 'friend' what he or she thinks they want to hear.

Concrete Thinkers

Persons with autism are concrete thinkers. Jokes, sarcasm, innuendo, satire, trickery and deceit are difficult concepts for them to understand and appreciate. Their world is unadorned with pretext, pretence, sham, and dishonesty. They are naturally guileless and very honest. They are not very able liars. They expect others to be honest and they can become confused or disappointed when they are not. We have learned that persons with autism may not have a complete understanding of what is expected of them, or the consequences of their actions. They may not understand how serious the consequences of the confession will be for them. They may be led to believe that lying is what is expected of them.

Poor Liars

An interrogator may seek an admission of lying about any part of the alleged offence. The person with autism may try to respond to this new friend or authority figure with what he or she believes is the reply that is wanted. The person may truly have made a mistake; to the interrogator, it was a lie.

When asked if he or she has ever thought about committing the offence in question, the honest-to-a-fault but innocent person with autism may answer 'Yes', as opposed to the characteristic answer of , No' from an innocent person. While both persons only thought in passing about

committing such an offence, the 'normal' person would not consider answering yes. The concrete-thinking autistic person may answer the question as it is asked, causing the interrogator to continue the probe.

It is possible that the person with autism has learned through experience to lie. But her or his attempts to lie will be done poorly. An interrogator should ask a series of unrelated questions to determine the person's ability and potential for lying. This should be done prior to asking questions that are pertinent to the matter at hand.

Tips for the interviewer/interrogator

The interviewer must be specific in what information is sought by asking questions that avoid ambiguity. If the interviewer asks, 'Did you take the money?', the person with autism may say 'Yes' whether or not she or he actually took it. It would be clearer to ask, 'What did you do?' allowing for the individual to provide a response. If you ask, 'Were you with your family or John?' the autistic person may respond, 'John', because that was the last choice of the sequence. If the question was asked again but in reverse order, the autistic person may answer, 'My family,' for the same reason (Perske 1991).

A more specific question might be, 'Who were you with?' which reduces the influence of suggestion on the subject. Obtaining a false confession is a situation for which no conscientious law enforcement officer would want to be responsible.

Some other factors investigators may consider:

- Be sure the subject understands his or her legal rights.
- Saying yes is not the same as understanding them. To the concrete thinker 'waiving your right' may mean waving your right hand.
- To avoid confusion, ask questions that rely on narrative responses.
- Asking yes or no question is an essential and important element of determining guilt. But consider asking a series of yes or no questions to determine the style and dependability of the response. Then ask the key yes or no questions.
- Seek the advice of a psychiatrist or psychologist who is familiar with autism. Consider contacting a specialist in autism from outside the criminal justice system.
- Seek the advice of a prosecutor. You have a job to do and want to perform it in the best way possible. With their unusual responses to your questions, the higher-functioning person with autism may challenge all of your training.
- Follow procedure, but also follow your gut instincts if you feel that something isn't 'quite right' with the subject of your investigation. Like the old adage, if the statement or confession is too good to be true, it probably is.

EXHIBIT 10
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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DIVISION FOR TREATMENT AND EDUCATION OF AUTISTIC
AND RELATED COMMUNICATION HANDICAPPED CHILDREN

Department of Psychiatry
University of North Carolina

D I A G N O S T I C E V A L U A T I O N

Patient: Brian Hill
Chart #: 60373 D.O.B. 5-26-90
Center: High Point, NC
Date: 10-19-94

Staff: Marquita Fair, Child Therapist
Allison Butwinski, Parent Consultant
Dr. Roger D. Cox, Licensed Practicing Psychologist and Clinical Director

TESTS ADMINISTERED:

Psychoeducational Profile-Revised (PEP-R)
Vineland Adaptive Behavior Scale

REFERRAL INFORMATION:

Child's Name: Brian Hill
Age: 4 years 5 months
Address: 133 Mike Lane, Reidsville, NC 27320
Parents: Roberta Hill
Current Status: Lives at home with mother and is being served in a preschool developmental delayed classroom at Bethany
Referral Source: Sheila Shelton
Reason for Referral: Clarification of diagnosis and educational planning

DEVELOPMENTAL HISTORY:

Brian was born prematurely weighing 3 pounds, 13 1/2 ounces. He received phototherapy for hyperbilirubinemia and was discharged from the hospital at approximately 2 weeks of age. At 18 months, he was hospitalized for 6 days with the onset of insulin dependent Diabetes Mellitus. He currently is taking NPH insulin and Regular insulin and his diet is regulated according to the American Diabetic Association diet. At 35 months Brian was seen at the Greensboro DEC due to language delays. There were concerns regarding Brian's social relatedness and language development. It was felt that his neurodevelopmental profile may represent a form of a pervasive developmental disorder and a TEACCH referral was recommended.

Currently, Brian uses words and short phrases to express his needs. He exhibits pronoun reversals, immediate and delayed echolalia, and repeats some phrases he has heard over and over. He understands and follows simple routine commands but cannot use or answer "Wh" questions.

Though aware of others, Brian has difficulty interacting with them. He is beginning to show an interest in other children but does not initiate interactions. Brian's favorite activities include stacking blocks and listening to music. He recently has become more aware of his mother when she picks him up from school and sometimes greets her by saying "mommy". Brian occasionally becomes upset when he does not have his way and is prone to small episodes of temper tantrums.

FAMILY STATUS:

Brian lives at home with his mother, Roberta Hill in Reidsville. His mother and father are divorced and Brian does not have contact with his father. His maternal grandparents live nearby and he sees them frequently. During the evaluation, Roberta was very friendly and easy to talk to. She offered some very nice information about Brian.

EDUCATIONAL PLACEMENT:

Brian is currently being served in a preschool developmental delayed class at Bethany Preschool in Reidsville. Brian's teacher, Sheila Shelton, who attended the evaluation, felt that Brian had made very nice progress since his enrollment. She appeared flexible and willing to develop a program that considers Brian's individual needs.

DESCRIPTION OF CHILD:

Brian is a cute 4 year 4 month old boy. He was appropriately dressed in long pants and a long sleeved shirt. He was accompanied to the TEACCH Center by his mother, Roberta Hill.

BEHAVIORAL OBSERVATIONS DURING TESTING:

Relating, Cooperating, and Human Interest:

Brian, joined by his mother, accompanied the examiner to the testing room. He whimpered as his mother left the room. When offered a toy, Brian immediately settled down and showed a fleeting interest in the toys on a table. At the start of testing, Brian resisted joining the examiner at the work table. When he became upset, his language consisted largely of echolalia. Although he frequently whined when he did not get his way, he never actually cried. Brian's behavior was unpredictable when he attempted to engage in an activity. When materials were presented, Brian perseverated with them, making it difficult for him to relinquish materials when the task was completed. For example, Brian continued to fuss and ask for bubbles and play-doh

even when they were put away. He asked for the bubbles so often that they were eventually used as a reinforcer when he completed tasks.

Brian's attention to test items varied depending on his interest in the task. When he showed an interest in the items presented, he resisted putting them away. For example, Brian enjoyed doing puzzles, matching colors, and copying shapes. When he was instructed to put them away, he whined and said "do again, do again". Once he became familiar with placing the completed tasks in the "finished basket" it was easier for him to continue on to the next task. He showed limited interest in the kaliedoscope and counting which resulted in him placing incomplete tasks in the "finished basket". Brian was distracted by noises heard outside the door and in the observation booth, which made it difficult to redirect him back to tasks.

Brian was always aware of the examiner's presence. Eye contact was frequent and usually brief. He initiated social interaction by requesting the examiner to join him at the mini-trampoline and holding his hand. Brian appropriately asked for help and used gestures. He often asked for a "tissue please", returning the tissue to the examiner for disposal. He enjoyed being tickled, and although he did not ask for this activity to continue, he backed into the examiner with his arms stretched out as if to indicate that he wanted more.

Sensory Behavior:

Brian usually responded to his name by repeating it. He did not look at the examiner. He appropriately responded to various noisemakers. No unusual interests in taste or textures were noted during testing.

Play and Interest in Materials:

Although Brian often resisted sitting at the work table, he was able to focus on materials when they were presented. He was usually creative in how he used many of the materials. For example, when he used blocks, he made a three dimensional design twice and called them "pyramids". Another time he used the blocks to build "towers". As he identified letters, he told the examiner what each letter stood for; "G for goose", "A for apple", and "Y for yarn". When he used the scissors, he cut out shapes (rectangle and square) and identified them. Brian had his own agenda for completing the tasks. He became upset whenever the examiner suggested that he attempt a task differently.

Brian was most cooperative with tasks that involved writing, copying, matching, and coloring. He anxiously wrote his first and last name several times although not in sequential order. Brian copied shapes, focusing his attention on the examples presented when he was not sure how to draw a shape (triangle and diamond). Brain showed little interest in playing with puppets and pantomining object use.

During free play, Brian chose to jump on the mini-trampoline, play with a toy motorcycle with a man on it, and walk up and down the

wooden steps. When he realized the steps could be turned over to be a rocking boat, he asked for help to turn it over so he could use it alternately as steps and a boat. Several times, he stood near the door and asked for his mother. However, he was easily redirected back to a play activity.

Competence Motivation:

Brian quickly understood the routine of placing finished materials in the "finished basket" to his right. He often returned to the table if he forgot to put his completed tasks in the "finished basket". Organizing three tasks at a time on a table on Brian's left helped him understand how much work he had to do before he could leave the table to go play.

Brian often expressed pleasure with himself by smiling at the examiner and frequently saying "good job". Verbal praise from the examiner was also motivating to Brian.

Language:

Brian used language and gestures to communicate. At the start of testing, Brian's language consisted mostly of delayed and immediate echolalia. At times, his language was difficult to understand. He often commented during testing, but seldom directing his comments to the examiner. Brian asked questions such as, "can I blow"?, "can I do bell again"?, and "is this a birthday cake"? However, Brian had much more difficulty answering questions.

RESULTS AND SUMMARY OF THE PEP-R:

The Psychoeducational Profile-Revised (PEP-R) is a developmental test designed specifically for autistic and communication handicapped children. The child's performance is scored in several different function areas, and totalled to provide an overall developmental age score. Brian's overall score was 101, which resulted in an age equivalent of approximately 3 years 9 months.

On the PEP-R, Brian scored as follows:

Function Area	Age Level
Imitation	4 yrs. 6 mos.
Perception	4 yrs. 1 mo.
Fine Motor	3 yrs. 3 mos.
Gross Motor	3 yrs. 1 mo.
Eye Hand Integration	4 yrs. 7 mos.
Cognitive Performance	3 yrs. 3 mos.
Cognitive Verbal	3 yrs. 9 mos.
Developmental Score	3 yrs. 9 mos

When assessed with the PEP-R, Brian's test scores indicated relative weaknesses in the motor area and relative strengths in eye-hand integration.

Brian was able to receptively and expressively identify pictures in a language book, demonstrate the function of objects, sort cards, identify numbers, and sort objects.
He had several emerging abilities, including identifying objects by touch, drawing a person, and copying a diamond.

DIAGNOSIS:

Autism - mild range

INTERPRETIVE CONFERENCE SUMMARY:

Attending Brian's interpretive conference were his mother, Roberta Hill, his preschool teacher, Sheila Shelton, and TEACCH staff, Allison Butwinski and Dr. Roger Cox. Results of the test administered were shared indicating Brian has many of the characteristics of mild autism. It is felt that Brian would benefit from a classroom with a small teacher to student ratio, individualized instruction, and autistic interventions.

RECOMMENDATIONS:

1. Brian would benefit from placement in a classroom with a small teacher to student ratio. The classroom environment should be free of distractions. A specific work area should be set up for Brian with a desk and boundaries to minimize distractions.

2. The classroom teacher should be experienced in autism, and have knowledge of structured teaching techniques. A three day training is being offered November 28-30 at the Gateway Education Center in Greensboro. The purpose of this training is to teach strategies that are typically successful in working with and teaching new skills to children with autism.

3. Brian should receive one-on-one teaching sessions 2-3 times a day to develop new skills. A teacher should sit across from Brian and present materials using the routine of working from left to right. Brian will place completed work to his right in a "finished basket" This will help him understand that what he has to do is in a basket to his left, how much work he has to do by the number of baskets with work in them, and he is finished when all the baskets are gone. He should be allowed breaks away from the table between tasks. It is important that Brian understand the contingency of working first and then receiving a break.

4. Brian's IEP should reflect the acknowledgement that he is a child diagnosed with autism. Specific strategies and teaching methods recommended by TEACCH should be addressed.

5. Brian's teacher for next year should be identified as early as possible in order that a request to attend TEACCH summer training for next year can be submitted.

Marquita Fair

Marquita Fair, Child Therapist

Allison Butwinski

Allison Butwinski, Parent Consultant

Roger D. Cox, Ph.D.

Roger D. Cox, Ph.D.
Licensed Practicing Psychologist

EXHIBIT 11
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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CARILION CLINIC, FAMILY AND INTERNAL MEDICINE
1107a Brookdale Street
Martinsville VA 24112
Phone: 276-670-3300
Fax: 276-634-0379

5/16/2017

RE:
Brian Hill
310 Forest St Apt 2
Martinsville VA 24112-4939

To Whom it May Concern:

This is to certify that Brian Hill is my patient since 11/2014. He has a diagnosis of diabetes, seizures, autism and obsessive compulsive disorder. One or more of these condition can limit his ability to be in social situation or among people and do work.

Please feel free to contact my office if you have any questions or concerns. Thank you for your assistance in this matter.

Sincerely,

Shyam E Balakrishnan, MD

EXHIBIT 12
for

EVIDENCE FOR
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Exhibit 9

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MARTINSVILLE VIRGINIA CIRCUIT COURT CASE NO. CR19000009-00

UNITED STATES DISTRICT COURT CASE NO. 1:13-CR-435-1
MIDDLE DISTRICT OF NORTH CAROLINA

BRIAN HILL (174826) [DOB: 5/26/1990]

DIAGNOSIS			
Axis/Order	Axis 3/1	Diagnosis	(F42.9) Obsessive-compulsive disorder, unspecified
Axis/Order	Axis 3/2	Diagnosis	(F84.0) Autistic disorder
Axis/Order	Axis 3/3	Diagnosis	(F29) Unspecified psychosis not due to a substance or known physiological condition
Axis/Order	Axis 3/4	Diagnosis	(F41.1) Generalized anxiety disorder
WHODAS 2.0 General Disability			
	Assessment Date	General Raw Score	General Average Score
	Score description	Raw Score	Average Score
	Cognition		
	Mobility		
	Self-care		
	Getting along		
	Life activities		
	Participation		

Case 1:13-cr-00435-TDS Document 142-10 Filed 07/22/19 Page 2 of 7

Piedmont Community Services

13 MOSS ST SOUTH
MARTINSVILLE, VA 24112

Client Name:	**BRIAN HILL**	SSN/Acct #	**591980319 / 174826**
Address:	**310 FOREST ST APT 2 MARTINSVILLE VA 24112-4939**	Date/Time:	**10/24/2018 9:51 AM to 10:23 AM**
Insurance:		Employee Name:	**CONRAD DAUM / MD**
Diagnosis:		Visit Type/CPT	**Med Note [Jail] / Nonbill**
DOB	**5/26/1990**		
Notes:	**Non-Face-to-Face Service**		

HISTORY

Chief Complaint: Notes:
"guy in hodie threatened to kill my mother if I didn't do what he said" "meltdown" He was arrested for walking down the street naked and charged with a probation violation.

History of Present Illness (HPI): Notes:
local is mental, quality he agreed to zyprexa and zoloft. severity moderate, duration 1st admit 2013 ONLY, time of tx start here 2013, context jail inmate. associated he was convicted for child porn and is on sex registry. He believes he was convicted unfairly by a conspiracy of the court officials. He believes Critical documents proving his innocence were deliberately destroyed. Modify is tx accepted, ills see med hx.

Past Medical / Family Medical / Social Hx: .
LEGAL HX: He would only discuss the child pron and probation violation convictions.

PSYCH HX: He tried suicide, but no family hx, he denied wanting to harm self or others the past month. He denied any SUD or tobacco, Hx autism, OCD, GAD

MEDICAL HX: Diabetes, IBS, Eczema, op only wisdom teeth, no fx hx, hypoglycemic seizures, hx concussions during seizures.

FAMILY HX: 0 kids, 1/2 sisters=2, 0 brothers, mom living, dad hx unknown no hx of inpatient , SUD, jail. Hx Hypertension, ulcerative colitis,

SOCIAL HX: born Orlando FL, raised NC, some HS, single, no church, on disability, lives alone with caretaker's help.

Review of Symptons (ROS)

Constitutional: Notes:
sleeping ok

Eyes: Notes:
see ok

Ears, Nose, Mouth, Throat: Notes:
hear ok

Cardiovascular: Notes:
no chest pain

Respiratory: Notes:
breathing ok

Musculoskeletal: Notes:
no LBP

Integumentary (skin and/or breast): Notes:
no tattoos

Neurological: Notes:
seizure hx and diabetic foot neuropathy

Endocrine: Notes:
diabetes

Hematologic/Lymphatic: Notes:
no nodes

Allergic/Immunologic: Notes:
allergy see list

Genitourinary: Notes:
bladder frequency

Gastrointestinal: Notes:
GERD SX, episodic diarrhea

EXAM

Constitutional Vital Signs:

Musculoskeletal

Muscle strength and tone: Notes
ok

Gait and station: Notes
ok

Behavior
Appearance: Well-groomed
Activity: Normal
Attitude: Cooperative
Articulation (Speech): Normal Rate, Rhythm, Volume
Sensorium
Consciousness: Alert
Orientation: Full
Memory: Intact
Attention/Concentration: Adequate
Emotion
Affect: Comfortable and Reactive
Mood: Euthymic
Congruency: Congruent
Suicidal Ideation: None
Homicidal Ideation: None
Thought
Thought Process: Goal-directed
Thought Content: Delusional
Intelligence: Average
(based upon fund of knowledge, comprehension, and vocabulary)
Insight: Full
Judgement: Intact
Perception: Normal
Impression
Brief summary of present status of case: Notes
aims=0

DIAGNOSES

Current Diagnoses:
Effective Date : 10/24/2018
1 (F42.9) Obsessive-compulsive disorder, unspecified
Diagnosed By : **Diagnosed Date :**
Onset Date : **Previous Onset Date :**
Onset Prior to Admission:
R/O: No
Notes:
Date Updated: 03/21/2017
SNOMED: -

2 (F84.0) Autistic disorder
Diagnosed By : **Diagnosed Date :**
Onset Date : **Previous Onset Date :**
Onset Prior to Admission:
R/O: No
Notes:
Date Updated: 03/02/2016
SNOMED: -

3 (F29) Unspecified psychosis not due to a substance or known physiological condition
Diagnosed By : **Diagnosed Date :**
Onset Date : **Previous Onset Date :**
Onset Prior to Admission:
R/O: No
Notes:

Date Updated: 10/24/2018
SNOMED: -

4 (F41.1) Generalized anxiety disorder
Diagnosed By : **Diagnosed Date :**
Onset Date : **Previous Onset Date :**
Onset Prior to Admission:
R/O: No
Notes: BRITTLE DIABETES
Date Updated: 10/24/2018
SNOMED: -

WHODAS 2.0 General Disability **Assessment Date:**
Raw Score: **Avg Score:**
Cognition:
Mobility:
Self-care:
Getting along:
Life activities:
Participation:

Psych Diagnoses & Status

Diagnosis: all

Status: Stable

Medical Diagnoses & Status

COLUMBIA ASSESSMENT

1) Wished to be Dead:
Have you wished you were dead or wished you could go to sleep and not wake up?: No

2) Suicidal Thoughts:
Have you actually had any thoughts of killing yourself?: No

6) Suicidal Behavior Question:
Have you ever done anything, started to do anything, or prepared to do anything to end your life?: Yes

Was this within the past three months? (please explain): No

SUMMARY

Service Modality: Non-Face-to-Face Service

Current Medications:
Medication:insulin aspart U-100 100 unit/mL subcutaneous solution
Start Date:10/24/2018
Dosage:
Frequency:

Medication:olanzapine 2.5 mg tablet
Start Date:10/24/2018
Sig:Take 1 Caplet By Oral Route 1 time at bedtime for mood swings

Medication:sertraline 50 mg tablet
Start Date:10/24/2018
Sig:Take 1 Caplet By Oral Route 1 time after breakfast for anxiety

Plan

Medication Changes: .

Next Appointment: Date
prn

E/M Level: 5

E/M Score: 5

Employee Signature

C Daum MD

10/24/18 2:51 PM
CONRAD DAUM - MD
MD

C Daum MD

Supervisor's Signature
Approved by CDAUM on 10/24/18
CONRAD DAUM, MD, MD

EXHIBIT 13
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

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Conrad Daum, MD

Psychiatrist

Radford, VA

Conrad Daum, MD is a Psychiatrist in Radford, VA. Conrad Daum completed their Residency at Wake Forest U Baptist Medical Center. Following their education, Conrad Daum was board certified by the American Board of Psychiatry.

Conrad Daum, MD does not participate in Zocdoc to offer online booking at this time.

Other highly-rated Psychiatrists nearby



Dr. Marwa Ghabra, MD

Psychiatrist

★★★★★ (26)

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Dr. Sahar Zaidi, MD

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Psychiatrist

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Conrad Daum, MD

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Education and background

Specialties

Psychiatrist

Board certifications

American Board of Psychiatry Certification in Psychiatry

American Board of Addiction Psychiatry Certification in Addiction Psychiatry

American Board of Forensic Psychiatry Certification in Forensic Psychiatry

American Board of Geriatric Psychiatry Certification in Geriatric Psychiatry

Education and training

University Of Kentucky College Of Medicine (Medical School)

Wake Forest U Baptist Medical Center (Residency)

NPI number ⓘ

Conrad Daum's office location



401 W Main St
Radford, VA 24141

Find an in-network doctor and book online

Conrad Daum does not participate in Zocdoc to offer online booking at this time. Choose from thousands of doctors on Zocdoc and book an appointment online for free.

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- Verified reviews

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- Aetna Dental
- Ambetter
- Anthem Blue Cross Blue Shield
- Blue Cross Blue Shield
- Blue Cross Blue Shield Dental
- Cigna
- Cigna Dental
- Delta Dental
- Florida Blue Cross Blue Shield
- Humana Dental
- Humana
- Kaiser Permanente

Top Specialties
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- Urgent Care
- Dermatologist
- OB-GYN
- Dentist
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- Urologist
- Gastroenterologist
- Cardiologist
- Neurologist
- Orthopedic Surgeon
- Ophthalmologist

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EXHIBIT 14
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Durham Division



Brian David Hill,
Petitioner
v.
United States of America,
Respondent

Case # 1:13-CR-435-1
1:17-CV-1036

STATUS REPORT OF PETITIONER SEPTEMBER 27, 2018

I, Brian David Hill ("Brian D. Hill", "Petitioner"), in this § 2255 case, acting pro se in this manner, files this status report and Declaration updating the court for this case. Because of the current situation described herein, Petitioner requests a court appointed lawyer.

DECLARATION

I Brian D. Hill produce these statements, subject to the penalties of perjury under U.S. Code:

(1.) I am currently in Martinsville City Jail over a local criminal case and situation where it must be disclosed to the habeas court over what actually happened. Petitioner believes it is connected over the matter concerning and effecting this § 2255 case.

(2.) ON SEPTEMBER 18th 2018, Somebody was in the ~~the~~ thicket at the end of my neighbor's property and branches moved ~~was~~ whenever I looked in that direction. I was around the period when I was mowing the grass between the time period of 1 to 4PM. That was a Tuesday. Likely surveiling me.

(3.) On September 19, 2018, Wednesday, I called into a political talk show after Sandra Wilson invited me to call into a Family Court issues type of show on Blog Talk Radio, by a I believe it was a woman named Valerie K. Lazarus (hope I spelled it right). Told her about the fraud on the court concerning this case. We also spoke about the Americans with Disabilities Act and the one woman said how if I ~~Have~~ had an IEP when I was in school, then they (I assume she meant police) can (or may) get in trouble for violating the Americans with Disabilities Act the way it was handled in regards to my criminal case.

(4.) On September 20, 2018 Thursday, some of my memories may have been blacked out. I was under an extreme account of stress and anxiety already due to the pre-filing injunction Motion. My whole family could tell. My mom had also noticed that my doors were not being kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling something weird/bad happen to me.

2

I was able to go the Massanutten Resort from Monday to Thursday last week in Rockingham County, VA, in my district. I think it was between Sept. 10 through 13, 2018 if I am correct from memory. My family noticed that I didn't want to go back home. As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked. Around 11 I went walking beside the road on the sidewalk and as I was around a warehouse or some kind of building near or around the Martinsville, VA downtown area ~~area~~ near the hiking trail of "Dick and Willie", I was approached by a man in a hoodie, probably some time between 11 to 12 that night. I think maybe between 5 to 6 feet tall, maybe white, told me "You had better take your clothes off in public and take pictures of yourself and place the SD card around the bench after the bridge..." "or they would kill my mom Roberta Hill". At one point I felt like I might collapse so I may have been drugged. I had to keep sitting on benches. I didn't want my mother to be killed. My weakness is my Mother. I gave a false confession in 2012 because of being told "You better toss up or else your mother would be held responsible." Whoever threatened me that night knew my weakness. If I walk to the police or don't do what that man said would my mom be shot full of holes while sleeping and killed?

be

3

I didn't Know what to do, I Kinda lost my mind when taking pictures of myself. If I didn't put on a good show would my mother be Killed like the stuff in Hollywood action movies. I had a feeling it had something to do with the things brought up in my case. The threats from tormail.org messages which were successfully carried out. I Knew I couldn't mess with these people with a threat that serious. Out of fear and desperation I walked where vehicles would see me with a hand gesture of my hand over my mouth. I was naked on the trail. I was trying to signal with that hand gesture that I was in trouble. I decided not to place the SD card at the bench as how would they Know? Maybe I could still go to the police and warn my mom. As I was walking back I saw a truck with a spotlight at me with no way to tell who it was. I was scared so I ran and then noticed a red lazer beam light like what private mercenaries, bad guys and good guys all have. A light came on with a guy yelling at me. I didn't Know who he was. I was scared it was them going to Kill me for not exactly following the hoodie guys directives. I ran fell down the left side slope of the trail getting cuts and scrapes all over my body until I fell in the ~~river~~ bed creek bed. They were down there and at that point I realized they were police.

4

I said over and over again while complying "I have Autism, I have Autism, I have Autism, I have, Autism." I felt they couldn't hear me out. I said "I was attacked" told Sgt. R.D. Jones that I need to speak with a detective. It was probably around 3 to 4 AM at around Friday, September 21, 2018. He asked me why I was naked on the trail. I tried to explain to him as much of what happened as I could. He mistook my statement of heading towards the YMCA building with the warehouse and I told him "You don't understand Autism." maybe "are you trained in Autism?" Sgt. R.D. Jones said "how do I know you even have Autism" I responded with "Dennis Debbaut a law enforcement trainer. He did a white paper. People with Autism can give false confessions and misleading statements. Officer you misunderstood what I said about the YMCA building." after or before my answer to his "how do I know you even have Autism" was "it was in federal court records." He gave me that look where he didn't want to accept anything I said. He even said "If your lying to me, I will charge you with making (or filing) a false report". I looked at him straight in the eyes and said I am not lying, even told him something about "am I supposed to let my mother be killed" or something to that effect. He still wouldn't accept what I had told him. I then told him "You don't understand Autism. You are violating Title II of the Americans with Disabilities Act."

5

I was being charged with "indescent exposure". I further told Sgt. R.D. Jones that I was going to win the jury trial, and sue him for violating the ADA. Argument escalated to me saying to him "Fu*k You". At one point things cooled down and I was in front of the TV with a Magistrate. She, the Magistrate, brought up about my federal criminal conviction and my 2015 Probation Violation. I explained to her that the case is under a habeas corpus 2255 review for my claim of ~~"actual innocence"~~ "actual innocence" or something to that effect. She assumed that it was some kind of an appeal. Told her that the probation violation was over U.S. Probation Officer Kristy L. Burton making false statements, which is perjury and may have mentioned that Anand Prakash ~~Ramaswamy~~ Ramaswamy committed subornation of perjury, gave her the federal case number. Also mentioned about fraud on the court. I was given no bond that day. Was charged in Martinsville General District Court, Case no. C18-3138. It might be named as Commonwealth of Virginia v. Brian David Hill. At one point I told Sgt. Jones that "you aren't doing anything about the drug dealers in my (or our) neighborhood" that the FBI aren't doing anything about the threats, I don't trust the police.

(5) On September 26, 2018, I had filed a request form for the jail directing that it be forwarded to MPD Sgt. R.D. Jones with more statements incl. a Declaration as evidence.

6

I explained that witness Roberta Hill had received a threatening "greeting card" postmarked Tennessee, she received some point (or some time) this year. It had no return address. Gave the officer her phone number.

Then I said under Declaration on the back of that "Request for Interview" form that my first received tormail.org message said that I was set up with child porn, that Alex Jones... (e) and others were next. my friends

(e) Some information omitted

I gave this federal criminal case number, cited Document #46 Declaration of Susan Basko. Then told him a told him in writing about the threatening message that was reported to J. Joy Strickland counsel to the N.C. Department of Justice. I explained that one part of the threatening email message said that I would be set up with violent sex crimes if I don't watch my back. If my mother being killed if I didn't walked naked in public and take pictures, the "indecent exposure" charge may legally be defined as a "violent sex offense". The threats went from tormail.org to being physical. I was set up with the violent sex crime of "indecent exposure" just like the 2013 tormail threat said would happen.

While I am incarcerated my diabetic blood sugar reads are getting a lot of highs right now. In the 300's 400's and 500's. I am suffering nerve pain, and other bad effects of high blood sugar.

The Court may request a copy of my September 26 2018 filed "Request for interview" form from Martinsville VA City Jail at P.O. Box 1326 Martinsville, VA 24112 or at 300 Clearview Drive same city. That way that can expand the record for this § 2255 case.

(6) Petitioner requests that an attorney be appointed at this interval for his 2255 case, since this incarceration is at a facility that:

(1) Has no law library. The Public Defender in Martinsville cannot represent me for this 2255 a case;

(2) Paper and resources are highly limited as per Jail's "rules and regulations". Stamps and envelopes also limited. I won't be able to make valid pleadings compliant with this Courts rules while incarcerated and very limited access to resources needed for this case. I won't be able to properly cite court rules case law, and statutes while incarcerated; ~~or~~ may

(3) While incarcerated I ~~will~~ not be able to bring up evidence if the habeas court requests;

(4) Be at a large disadvantage which deprives me of due process under the 14th Amendment of U.S. Constitution. Being deprived of my ability to prove factual innocence in my 2255 case.

If the court cannot appoint court appointed counsel for this 2255 case, alternatively Petitioner asks this honorable Court to delay this 2255 case until Petitioner is not under incarceration.

(7) I make this PROCLAMATION to the hon. Court, to my Mother and family, to the U.S. Probation office, and to Martinsville District Court. The incident of "indecent exposure" is considered isolated and out of character. I swear under Oath that it will never happen again. Charge is of a technical nature. I was threatened to get naked I never masturbated, it was a crazy incident. Whoever threatened me needs to be charged and arrested. My mother hates me over what happened I'm sorry mom I was scared and didn't know what to do. I didn't want my mom to die. I am sorry for leaving around 11. The threats coming at me, the fear, the bad feeling in my gut. Next time I'm threatened I will report to police state police, and FBI. What I did on the hiking trail and leaving without telling my mom will never ever happen again. I'm tired of the Legal Terrorism, the criminal threats, and being afraid. I just want to prove my actual innocence and move on with my life. I am tired of feeling afraid for my family and my life. It's tearing me apart. My family can tell my health is degrading. I provided so much evidence to the Habeas Court please let me prove my innocence, have an evidentiary hearing. I have facts of innocence. Let me prove it. People with Autism can be manipulated, easily threatened, abused.

(8) Before this charge, I was working on a Rule 11 Motion for sanctions, case law Chambers v. Nasco Supreme Court case (fraud on the court), and citing state bar rule 3.8. I was going to show fraud on the court in the Respondent's factual basis of guilt, in their pre-filing injunction motion, and in the motion to dismiss.

9

I wanted to show the fraud on the court by Respondent Respondent give them 21 days (maybe 25 days) to respond before filing, then the court can decide under Chambers v. NASCO whether Respondent's Motions should be summarily denied. Subornation of perjury by Anand P. Ramaswamy is already a fraud on the court in 2015. Respondent's resistance to me proving my innocence clearly violates Rule 3.8 of the state's Model Rules of Professional Conduct. N.C. State Bar. Rule 11 sanctions may be appropriate. I will serve them a rule 11 motion copy once released from jail. To resolve the issues between Respondent and Petitioner, Petitioner requests that the U.S. Attorney General appoint special counsel to represent Respondent for this $2255 case.

Thank You!

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 27, 2018.

Respectfully filed with the court, this the 27th day of September, 2018. Brian D. Hill signed

CERTIFICATE OF SERVICE

Petitioner certifies that he dropped this status report in the Jail institution's mailbox on September 27th 2018, addressed to the Clerk, respectfully requests that all parties to the case are served by CM/ECF or by U.S. mailing. Petitioner asks Clerk to mail ~~a~~ letter certifying receipt of this pleading.

10

Brian D. Hill
Signed

Brian David Hill
Martinsville City Jail
P.O. Box 1326
Martinsville, VA 24112

Clerk: Please send letter confirming receipt.

Declaration and reCertificate of service

Brian David Hill v. United States October 10, 2018

I Brian David Hill had mailed the wrong address and is refiling the "Status Report of Petitioner September 27, 2018" on October 10, 2018. The address was mailed to 324 W. Market Street, Suite 1 Martinsville, VA 24112. That address was incorrect. It should have been 324 W. Market Street, Suite 1, Greensboro, NC 27401.

So I recertify under the CERTIFICATE OF SERVICE that I file the pleading on Oct. 10, by depositing the pleading in an envelope prepaid in the Jail's mailing system. Again, I ask the Clerk to send me a letter acknowging receipt of this pleading and notify me which Document no.'s or I ask that my docket sheet be printed and sent to me showing my last few entries.

I learned from Martinsville City Jail that I am limited by Jail policies to 1 short ink pen per month, 5 envelopes per week, no law library at all, and they have to destroy all envelopes including legal mail envelopes directed to inmates in MCJ. Envelopes are evidence but Jail officers can destroy envelopes including mail envelopes from Federal Courts. The Jail's policies seem unconstitutional and block me from continuing to ~~proceed~~ proceed in this 2255. I ask that I be appointed a lawyer for my 2255.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 10, 2018.

Brian D. Hill
Signed

U.S.W.G.O,

Brian David Hill
Martinsville City Jail (MCJ)
P.O. Box 1326, Martinsville, VA 24112

EXHIBIT 15
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

Jan. 20, 2022

To Whom This May Concern:

I have been a witness Brian's entire life. I read the police report that Brian was medically and mentally cleared, and I have some questions to ask this court. How is it possible that someone who was diagnosed as having insulin dependent diabetes with seizures before the age of two years old and autism (PDD) before the age of three and diagnosed with OCD miraculously be medically cleared? Brian has been on SSI Disability since 1992 due to his serious disabilities and remains on SSI to this day so even though we wished it was true that when the police arrested him, he was miraculously medically & mentally cleared, he wasn't.

There is no longer carbon monoxide in his house since the chimney expert removed the tin in Jan. 2019, and there have been no more episodes of his being out of the house by himself at any time, and Brian continues taking his emergency supplies with him when he leaves the house. That night according to a later police testimony, Brian was so out of it that he had no emergency supplies, nothing that would have clued the policeman to the fact that Brian was a diabetic who required insulin, glucose tester and glucose tablets. Brian was not aware that he had diabetes that night, or he would have told the police. Once the court was aware of these severe medical problems, why did his court appointed attorneys refuse to obtain a medical expert witness after Brian's grandparents & mom offered to pay for this? Is this court aware that Brian has been on a medical Medicaid waiver since 2012 and was on this when arrested and continues to be on this as I write this letter as a witness for Brian?

We have obtained 2 hospital records during the time that he & his mom were exposed to carbon monoxide in their home. On the first hospital record on 11/19/2017 his mom found him in bed as she went down to check his blood glucose level at night with blood all over him and all over the bed and a bad cut on his forehead. She called 9-1-1, but Brian refused to go to the hospital until after his 3 hour OCD routine. She called us to try to help him get to the hospital faster, but we all sat in the living room while he was in the kitchen for over 2 hours longer while he continued washing his hands, arms, hair, face – blood continued coming down his face. At one point he was vomiting during that time. At another point he was having bad leg cramps, but finally he let us take him to the hospital.

While at the hospital emergency room for a few hours, they tested his blood glucose several times, did a lot of blood test including one for carbon dioxide and other test. We found out later he and his mom were living in a home with carbon monoxide from a natural gas boiler heater and natural gas hot water tank – not carbon dioxide. But

apparently to do that test, the hospital suspected something, and when you read the hospital report from what they found that night, you read the symptoms of both carbon dioxide & carbon monoxide. They sewed his forehead with staples instead of nylon due to his extensive hand & face washing routine (OCD).

On the second hospital visit (9/21/2018) even though the hospital records clearly state that he has insulin dependent diabetes, seizure history, autism and OCD and that he was brought to the hospital by the police because he was out in the nude that night by himself for hours walking around trails and had a knee injury. The hospital did not do one blood test to see what his blood glucose level was. Is it because that is normal for someone with type one insulin dependent diabetes with history of severe seizures when glucose goes low, autism & OCD to spend the night alone in the nude walking around a walking trail for hours miles from home without any medical emergency supplies? Someone who has never done this before? Did the police & doctor on duty at the hospital that night think this was normal? I can tell you right now this was not normal activity for Brian, and while this was going on, His care giver (and his 2 caregivers in case of emergencies) were in bed asleep unaware until the police came knocking at his mom's door at about 4 in the morning. They ordered blood test and other test to be done, then they deleted those test (Why?). This is clear neglect on the part of the hospital. More than once on this hospital report, the doctor ordered for Brian to see his doctor the next day for more tests knowing Brian was going to jail.

I was in the court room in Winston Salem, NC, when I heard this police testify. Brian's court appointed attorney asked if he knew that Brian had insulin dependent diabetes. His answer was "No", he didn't know that". Brian's attorney asked him if he knew that Brian had OCD. His answer was "No". She asked him if he knew that Brian had autism. His answer was that Brian had told him that he had autism. When she asked him if he had any training in autism, it sounded like he knew what autism was but didn't have a lot of training. Does this sound like Brian was really medically & mentally cleared as the police report said? It sounds to me like negligence from the Martinsville police department. There is supposed to be laws for people with disabilities. Does it sound like the police department was negligent in their duties of obeying any of these laws? I didn't see anywhere that after Brian told the police he had autism that an expert was called to help. Brian contacted the police department, and we did too as well as his court appointed attorney asking for them to give his attorney the body cam for proof that Brian was in bad shape that night. This never happened (Why?).

I also heard Brian's mom testify in the same court about the carbon monoxide exposure in their home for over a year and how that had affected both of them. Instead of obtaining a medical expert, the judge said that he would not accept her testimony because she was not an expert even though we sent to the court as a witness US government reports of what it is like to be exposed to carbon monoxide since the court

refused to obtain an expert medical witness. Brian's probation officer was also a witness for Brian. Someone placed child porn on Brian's computer in 2012 and sent emails to Brian and others admitting doing it and admitted that they would see to it that Brian stayed convicted of child porn. We have read these, obtained copies and sent copies to the federal court. We saw the report from the NC SBI that there was child porn on Brian's computer that had been downloaded for one month before the police raid and for **11 months after the police confiscated Brian's computer** which sounds like what they sent to Brian's computer was a virus with child porn. Brian is innocent, and we sent proof to the court of his innocence, pages of proof that the judge did not read because never once has the judge acknowledge us as witnesses. Regardless, our proof of his innocence is on federal court records since November, 2017.

Anyway, this is the reason Brian has a probation officer and the reason this case went to NC and the reason we were hearing the testimony from the police, Brian's caregiver (his mom) and his probation officer who has been a senior Federal probation officer for several years in Roanoke, Virginia. Brian's probation officer knew that Brian was an insulin dependent diabetic with seizure history, had autism and OCD and testified that he worked with Brian, Brian's mom and his grandparents with these issues. Apparently the judge did not believe that Brian's mom or federal probation officer were credible witnesses. He believed the police who admitted in court that he had not been aware of Brian's diabetes or OCD and really did not know a lot about autism. This conflicts with his police report which says that Brian was medically and mentally cleared.

Brian's diabetes requiring insulin (since 1992), seizures (since 1992), autism (since 1993) and OCD are well confirmed in hospital and many medical records. We have seen this judge several times and believe after reading many threats Brian and others had received that this judge is owned by whoever has sent these threats to Brian in 2012, 2013 & 2015, Brian's mom in 2017-2018 and an attorney friend (Attorney Susan Basko) received several in 2015 as Brian was fighting in court to prove his innocence. She wrote a letter to the court that Brian was innocent of knowingly having child porn in 2014, and we have seen a threat against Brian sent to his friend in 2012 because Brian at the time had an alternative news (USWGO) network which was a hobby he enjoyed and a chance to communicate with others, and they wanted to shut all of this down in 2012. We have seen threats sent to other alternative news people in 2013, threatening sending child porn to them to shut down their alternative news (and actually sending it, but they found it and sent to the FBI). Brian didn't see the ones on his computer. Many judges we have found out are compromised, and Brian's autism and other medical problems keep being ignored by them so that is why Brian has become very suspicious of some judges who are ignoring his constitutional rights as well as his medical history, not allowing a medical expert witness to testify and most important ignoring the proof we have in court that he is actually innocent.

Hospital did no glucose test on a type 1 insulin dependent diabetic who was walking around in the nude by himself all night. That is big time negligence by our local emergency room hospital, and the proof is on the hospital records. We have copies if you want to see them, or you can get the hospital records yourself from the hospital: Sovah Health – Martinsville; 320 Hospital Drive, Martinsville, VA 24112 – Phone # 276-666-7200. There are no results of any testing done for carbon monoxide exposure that night as well as no glucose tests were done, no testing to see if someone put drugs in his body, no testing at all from this hospital.

We saw Brian's wall around his fireplace & especially his ceiling deteriorate & come down (Under his mom's fireplace). His probation officer commented about it. Roberta kept saying she was so tired and didn't know why. Brian complained that he was tired, couldn't think straight and kept forgetting things. Both complained of headaches (Haven't heard anything before this exposure or after this exposure about them being tired or having a lot of headaches). Roberta's head was shaking during this time. Brian's autism & OCD were getting worse, and we found out Brian took off at night by himself to go miles from home without any diabetic medical supplies and without any hand sanitizers which he always keeps with him, says he met someone in a hoody who sounded like a white guy who told him to take his clothes off and take photos of himself **or his mom** (his only caregiver – grandparents are emergency backups elderly & disabled too) **will be killed**.

The court showed a pink camera which Brian never used a pink camera. He always takes his big black camera with him when he goes places with us. We picked up a backpack that was smaller than Brian uses and one that his mom had never seen before. Brian kept walking around for hours in the nude by himself like he didn't know how to put his clothes on. His clothes were in the backpack we picked up, but no emergency medical supplies were in it. In 31 years of knowing Brian, this is the first time anything like this has happened. We would not have woken up for a few hours so we don't know what would have happened to Brian if the police had not found him, but they turned this into a criminal offence when it was clearly a medical emergency. The Martinsville police & the Martinsville Hospital were clearly negligent in their duties that night.

If you know the many things that people with autism can do, this is one (wandering away from home at night): Even though the hospital did not test for carbon monoxide when he was arrested, and none of us were aware of the exposure until months after Brian was arrested, our family saw Brian's autism getting worse after all of the years of improvement. Since he has been home and away from carbon monoxide exposure, he still has autism, but not as bad as during this exposure. We don't worry that he will again take off by himself without his emergency medical supplies. After the arrest, we worried that he would do it again if we brought him back to his home and were begging

the Piedmont Community Services in Martinsville to get him removed from jail and in a hospital or other safe place, but they failed us and Brian miserably too.

Here is an article I found that might explain this. It says: "Because our nervous systems are bringing in lots and lots of information, we autistics often get over stimulated. Also, when we have lots of toxins flowing through our bloodstream, we tend to be much more inflamed, irritable, reactive, and friable than most people are. Anything that happens around us registers louder for us than for non-autistics and the stimulation affects us more. Now, there are two reasons for running away. If you think about it, any child who runs away, autistic or not, will be either running away from something, or running towards something. Many people on the autistic spectrum have post-traumatic stress disorder. There is a very, very close relationship between these two diagnoses. The body language of those of us autistics who are very tense is quite close to the body language of people with post-traumatic stress disorder.

When you're considering an autistic who runs away regularly, they're either running away from something that they are over stimulated, afraid or angry about, or they're running towards something attractive. Many of us autistics will run to green spaces, or run to water. There's a good reason for that. Autistics find natural areas — and the wilder, the better — to be extremely calming, to allow and enable much more comprehension and integration of what's going on around us. Indoor environments can be toxic and over stimulating. This is the article I am referring to & video:

https://thrivewithautism.ca/2013/11/01/why-are-autistics-hyperactive-and-why-do-we-run-away/

This did happen to Brian one time when he was little. We were next door neighbors, and in the middle of the night, Brian came to our house. He was wearing his pajamas. His mom put special locks at the top of the door, but now he is tall, and that wouldn't work. Knowing his autism had gotten worse and not knowing about the carbon monoxide exposure for about a year at the time of Brian's arrest, we were afraid he would run away again and asked our local Piedmont for help, but they did not get Brian out of jail, and we have found out that they know very little about autism. There should be records to confirm this at the Piedmont Community Services; 24 Clay St., Martinsville, VA 24112-2810. Phone # 276-632-7128, and the fax # 276-632-0127. We were keeping Brian's probation officer informed at all times. You see, if you have an autistic child or adult who runs away, this is scary and dangerous, but if this is an adult with autism who has brittle diabetes and has severe seizures, and no one is there to provide something sweet, this person will die. We knew this had nothing to do with "intent to commit a crime" but was a medical emergency. On days when Brian is more autistic, we can't get through to him and with the carbon monoxide exposure, we were having more days like that. Most days, we can communicate well when his autism is milder. I will note here that most days now, it is milder, and we communicate well thanks to the chimney expert who removed the tin so the carbon monoxide would go outside of their house.

I just found a webpage to help explain the legal process for those with autism. It deals with the part of what is considered a criminal act, and that is "intent". Today, courts are

dealing with instances of Autism Spectrum Disorder (ASD) as it relates to criminal intent but approaches vary, as there is no uniform or legislative pronouncement on how this disorder relates to "mens rea". https://www.purdueglobal.edu/blog/criminal-justice/autism-and-the-criminal-justice-system/ Although most with an ASD will not commit crimes, courts must understand how to handle requests to admit expert testimony in those cases where a criminal defendant shows signs and symptoms (or a diagnosis) of ASD. NOTE: We have asked attorneys in federal court and Virginia courts to provide this expert medical witness and offered to pay for the one in Virginia, but all have ignored our request so not one of Brian's court appointed attorneys have really helped him, and from what I understand in the federal courts, some attorneys have tried but were flatly turned down by the judge. Brian had to pull out of the Virginia case because it was getting close to a jury trial, and Brian's court appointed attorney had no expert medical witness and no witnesses for Brian even though we made this request in the very beginning and even offered to pay for it if the state refused to pay.

I just thought that unless you or a member of your family have any of Brian's medical diagnosis, you might not understand Brian's complicated medical history, and why we say "There is no way that police report is correct unless Brian has been cured which he has not". The next 4 pages will explain Brian's medical history which is well documented in the hospital where the police took him as well as all medical records since 1992 including in the Social Security system, the Virginia Medicaid, and are still being documented by his diabetic endocrinologist specialist. My email address is kenstella@comcast.net.

Sincerely,

Stella B. Forinash

Brian Hill's grandmother

201 Greyson St

Martinsville, VA 24112

What is **insulin dependent diabetic**? For those who don't know: **Type 1 diabetes (previously called insulin-dependent or juvenile diabetes) is usually diagnosed in children, teens, and young adults, but it can develop at any age. Type 1 diabetes is less common than type 2—approximately 5-10% of people with diabetes have type 1.**

What are **diabetic seizures**? For those who don't know. **A diabetic seizure is a serious medical condition and without emergency treatment, it has proven to be**

fatal. Extremely low levels of sugar in the diabetic's blood cause these seizures. That is why it is so important for those who have diabetes to monitor and control their blood sugar.

What is brittle diabetes? Brian has been diagnosed with this by a few doctors. For those who don't know. Brittle diabetes occurs when diabetes is especially difficult to manage. Diabetes can be hard to manage for many reasons: Doctors have explained to us that Brian's autism – developmental problems & his diabetes works against each other causing brittle type 1 diabetes in him. People with brittle diabetes experience sudden and frequent changes in blood glucose levels for no obvious reason. The swings lead to hypoglycemia or hyperglycemia. What is HYPOGLYCEMIA? Hypoglycemia is a condition in which your blood sugar (glucose) level is lower than normal. Symptoms: Unconsciousness; Shakiness. What is HYPERGLYCEMIA? High blood sugar (hyperglycemia) affects people who have diabetes. Several factors can contribute to hyperglycemia in people with diabetes, including food and physical activity choices, illness, nondiabetes medications, or skipping or not taking enough glucose-lowering medication. It's important to treat hyperglycemia, because if left untreated, hyperglycemia can become severe and lead to serious complications requiring emergency care, such as a diabetic coma. In the long term, persistent hyperglycemia, even if not severe, can lead to complications affecting your eyes, kidneys, nerves and heart.

What is **Autism**? For those who don't know. **Autism, or autism spectrum disorder (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors. Autism is a complex, lifelong developmental disability (PDD) that typically appears during early childhood and can impact a person's social skills, communication, relationships, and self-regulation.**

What is **OCD**? For those who don't know. **Obsessive fear of germs or dirt and the compulsion to wash the hands over and over is one of the most common manifestations of obsessive-compulsive disorder (OCD). For people who suffer from OCD, hand washing goes well beyond a concern with cleanliness. It is extreme behavior whose real purpose is to lessen intense feelings of fear and anxiety. Oh, yes, I forgot to mention that Brian has also been diagnosed as having "Anxiety".**

What is SSI? SSI stands for Supplemental Security Income. Social Security administers this program. They pay monthly benefits to people with limited

income and resources who are disabled, blind, or age 65 or older. Blind or disabled children may also get SSI. To get SSI, you must meet one of these requirements: Be age 65 or older. Be totally or partially blind. Have a medical condition that keeps you from working and is expected to last at least one year or result in death. Brian has been receiving an SSI disability check since 1992 (well documented) and still receives them.

What is a **Virginia Medicaid Waiver**? For those who don't know: **Virginia's Medicaid Waivers pay for a variety of supports and services for children and adults with developmental disabilities and their families who need long-term support systems to live successfully in the community rather than in institutional settings. Brian is on this list because it has more benefits in case his mom is no longer able to assist. The one that he has been on since 2012 which pays his mom to be his caregiver 40 hours a week (The rest of time she is a volunteer) is an EDCD waiver.**

What is **carbon monoxide exposure**? For those who don't know**. Overview. Carbon monoxide poisoning occurs when carbon monoxide builds up in your bloodstream. When too much carbon monoxide is in the air, your body replaces the oxygen in your red blood cells with carbon monoxide. This can lead to serious tissue damage, or even death. Carbon monoxide is a colorless, odorless, tasteless gas produced by burning gasoline, wood, propane, charcoal or other fuel. Improperly ventilated appliances and engines, particularly in a tightly sealed or enclosed space, may allow carbon monoxide to accumulate to dangerous levels. If you think you or someone you're with may have carbon monoxide poisoning, get into fresh air and seek emergency medical care**. **This went on for over a year. Roberta (Brian's mom's) apartment is 1500 sq ft, and Brian's apartment below his mom's is the same size, but every time they used their heater or the hot water heater, they were exposed with a build up after a year of exposure.** Continued exposure to carbon monoxide can **cause permanent brain, nerve, or heart damage**. Some people require years to recover while others might never fully recover. Does carbon monoxide make you hallucinate?

These can include agitation, confusion, depression, lethargy, impulsiveness, **hallucinations**, confabulation, distractibility, and memory problems. Visual disturbances and seizure, as well as fainting (syncope), can also be related to carbon monoxide toxicity. Can carbon monoxide poisoning change your personality? Personality changes **may occur**, and case studies have described prominent depression, anxiety, and irritability several years after accidental CO poisoning. Residual cognitive deficits, executive dysfunction, and impairments in memory and concentration may all contribute to deterioration in mood.

There is a lot more information about it on this USA government site: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2707118/

Bill requiring consideration of autism, mental illness in criminal justice system passes in Virginia

Posted: Feb 10, 2021 / 08:02 PM EST / Updated: Feb 11, 2021 / 11:11 AM EST

RICHMOND, Va. (WRIC)- Advocates say a law that bars Virginia courts from fully considering a person's disability or mental illness is causing defendants with autism to fall through the cracks. **https://www.wric.com/news/bill-requiring-consideration-of-autism-mental-illness-in-criminal-justice-system-passes-in-virginia/**

https://law.lis.virginia.gov/vacodeupdates/title19.2/section19.2-271.6/

§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth. (2021 updated section)

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § 37.2-100.
"Intellectual disability" means the same as that term is defined in § 37.2-100.
"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

One of the scariest moments for a parent of an autistic child is when they wander off or become lost. Children and adults with autism can be gone in a second of taking their eyes off them. They are fast, quick and sometimes can dart away without a seconds warning.

Sometimes they may wander off out of the house in the middle of the night, sometimes from schools or other places. No matter where the child or adult may wander one must act quickly. https://www.gastongazette.com/story/opinion/letters/2018/09/28/what-can-you-do-when-autistic-child-or-adult-wanders-off/9765760007/

Autism Society article and what it says: "USE LOCKS AND ALARMS WHERE APPROPRIATE

For individuals who run away or leave the home without supervision (also referred to as "elopement" or "wandering"), it is important to place locks and alarms on exterior doors and windows. This may prevent the child from leaving, or at the very least notify you if he/she attempts to open a potential exit route. https://www.autism-society.org/living-with-autism/how-the-autism-society-can-help/safe-and-sound/safety-in-the-home/ NOTE: This helped when Brian was a child, but now as an adult, it wouldn't help plus at this time, his mom was not well either from her exposure to carbon monoxide & none of us knowing about the tin.

Chart below about autism. These charts helped us when Brian was little to understand autism better: There are also charts that show the "wandering & more descriptions.



EXHIBIT 16
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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In the Court of Appeals of Virginia
In the City of Richmond

Brian David Hill,	)	
Petitioner/Defendant	)	
	)	**Criminal Action No. CR19000009-00**
v.	)	
	)	
Commonwealth of Virginia,	)	**Civil Action No. _____**
Respondent/Plaintiff	)	
	)	
	)	

DECLARATION OF ROBERTA HILL IN SUPPORT OF THE PETITIONER BRIAN DAVID HILL'S PETITION FOR THE WRIT OF ACTUAL INNOCENCE

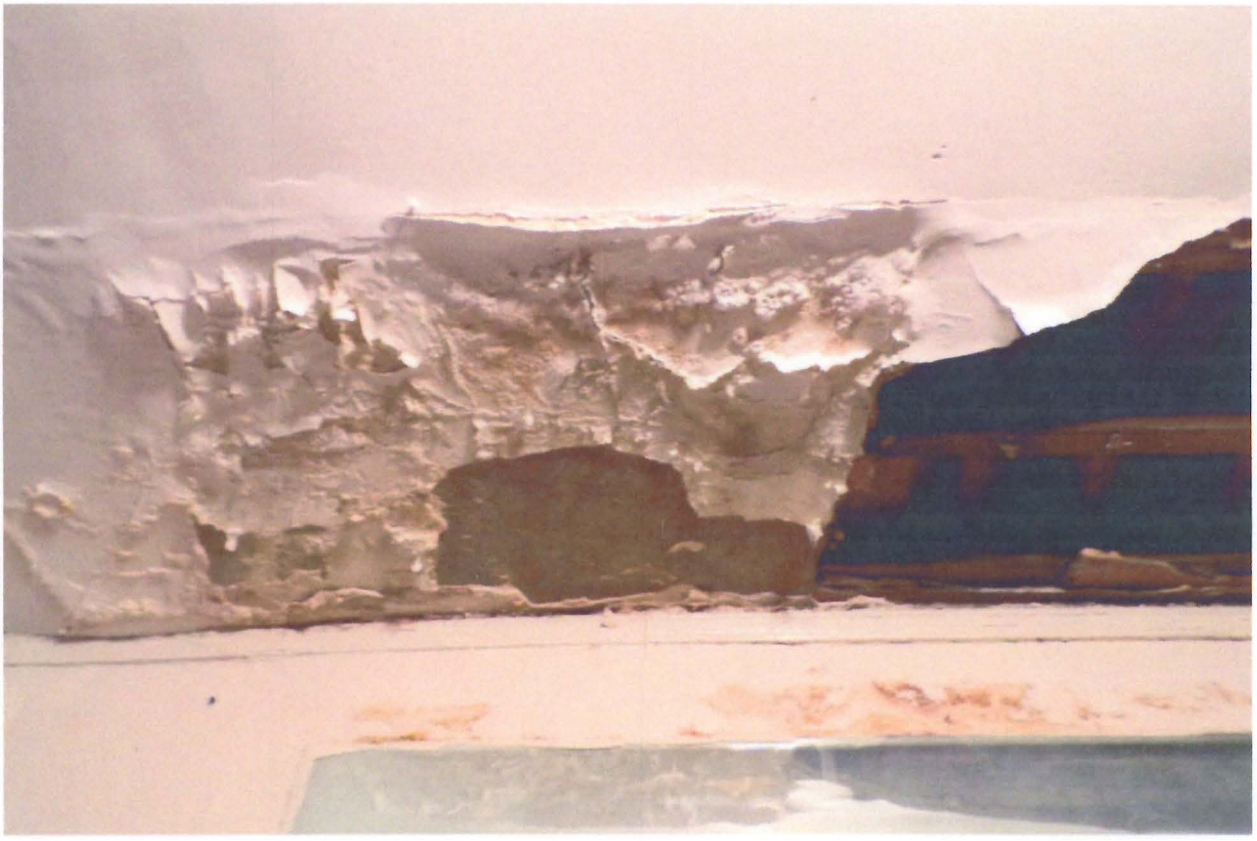
I, Roberta Hill, being first duly sworn upon oath, do hereby depose and state:

On September 21, 2018, I woke up around 4 am hearing a knock at the door. A police officer informed me that they had found my son 2 miles away from home on a walking trail. He said that they took him to the hospital. He asked me if my son was autistic, and I answered "yes".

On January 20, 2019, I had a fireplace expert named Pete Compton of ACE Chimney & Wildlife come out to check on some water damage near the fireplace and he found out that the chimney had been completely covered in tin. He told me that carbon monoxide was coming into my apartment and my son's apartment. He said it condenses and that is what was causing the water damage in the ceiling next to the fireplace in my son's apartment.

Photos I had taken are below.







I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of January, 2022.

Roberta Hill

Signed

Roberta Hill
310 Forest Street, Apartment 1
Martinsville, Virginia 24112
(276) 790-3505

EXHIBIT 17
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

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Prepared: Sunday, January 30, 2022



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Kenneth R. Forinash, TSgt, USAF, Ret

201 Greyson St.

Martinsville, VA 24112

276-224-4527

Subject: Letter of Support for Brian David Hill,

To Whom This May Concern,

My name is Kenneth R. Forinash, I am a 79 year old citizen of Martinsville, VA, retired from the US Air Force. I have known Brian D. Hill for over 20 years. Brian has been helping us by doing lawn work and various chores for us. He has autism, Brittle Type I Diabetes and severe OCD problems. He has been on disability since he was 2 years old, so he is unable to hold a steady job due to his disabilities.

Brian's charge of Indecent Exposure should have never gone as far as it has. He had, unknowingly, been exposed to carbon monoxide gas in his home for several months. He and his mother were complaining about being tired all the time with no energy, having headaches and Brian also said he was having trouble thinking. On the night of his arrest he left his home late at night when his caregiver, his mother, was sleeping. This was something he had never done before, and has not done since. It is my opinion that this was from the effects of Carbon Monoxide. On the night of his arrest, he was taken to the Martinsville hospital, but was never tested to see if his glucose level was high or low, the hospital records would have shown that he had diabetes, OCD and autism if they had looked at his records. He was never tested to see if there were drugs in his system or if he could have been affected by carbon monoxide poisoning. He has been fighting this charge since it first happened, and since he knows he is innocent he will continue fighting it. That is the type person Brian is. If he knows he is being falsely charged with something he will fight for his rights.

I believe Brian should be given an acquittal for this crime because of his true innocence, and for the fact that so many mistakes were made by the hospital and the Martinsville Police Department. There was never an investigation of the things Brian told them had happened. He said a man in a Hoodie told him to take his clothes off and take pictures of himself or his mother would be killed. There was never an investigation to find this man in a Hoodie. Brian also had a pink camera in a backpack that no members of his family recognized when he was arrested. Nothing was ever done to see where this camera and backpack came from. Brian always took his large black Kodak camera with him whenever he went out. None of his family members can remember ever seeing him with a small pink camera or wearing a stocking cap. Here is a video YouTube link my wife found about people with autism behavior running away (We are wondering if this was a setup as we will explain later in this letter). https://www.youtube.com/watch?v=wnZ02EzblMM

My wife and I were re-reading the manuscript from Brian's revocation hearing and more & more we are wondering about a "sex setup" against Brian. We have read many threatening emails and text sent to Brian and others. We have read that they (the ones who sent these using tor email) were the ones who had the child porn put on his computer. They said they would (whoever sent these emails

& text messages) see to it that Brian stays on the “Sex register” and would set Brian up and have indicated that the judges & other people in the courts would make sure. Brian has sent these threats to the federal court. No one has done an investigation about them, but we wonder how many are involved in the courts of helping to make sure. First, the prosecutor & the judge who are the same ones who have ignored all of the proof that Brian is innocent that has been in the court records from November, 2017 and before. Brian has never shown an interest in either sex or children. We have testified in court and have sent that to the court under penalty of perjury that we are telling the truth. Brian remains a virgin to this day.

We have the proof from the state bureau of NC and have sent this document to the court that child porn was being downloaded to his computer 11 months after the police did the police raid and confiscated his computer so for that 11 months Brian didn’t have the computer, the Mayodan, NC police & NC SBI in Greensboro NC had it during that 11 months. Brian fought for over a year in the Danville, VA federal courthouse for them to keep this evidence, this same prosecuting team whom you see in this manuscript makes it clear that due to the probation report being on this camera and the photos that Brian is guilty. He & the judge (BOTH) keep going back to the child porn that they claim was on his computer, trying to make a stronger case of sex which is weird if you know Brian and know that he isn’t interested in sex at all, is not interested in children and still at the age of 32 remains a virgin. Set up?

Here’s our proof: Isn’t it convenient for a set up that once Brian is arrested for indecent exposure, they now won the case in Danville and no longer have to keep their proof when they state that Brian is guilty. Actually, this is proof that Brian is innocent NOT guilty because it proves that child porn was being put on Brian’s computer for MONTHS after the police got it. They fought this because it was proof that just like the emails said “Brian was set up with child porn and had no intentions and did not even know that the child porn was in his computer. We are witnesses that Brian was fighting some type of virus on his computer the day of the police raid in August, 2012. We were there watching Brian fight it & were there during the entire hours long police raid. That is bad when our legal system goes after someone who has brittle diabetes with seizures and autism and keeps this going for years ignoring his and his family’s proof that he is innocent. Brian does not have an intellectual disability. He is very smart but does have a communication disability.

Brian started fighting for this on April 25, 2017 in the Danville, VA Federal Court. In Oct, 2017 his mom contacted a chimney expert to put screen on their 3 chimney flues to keep birds out. We found out 15 months later Jan. 2019 that instead of screen there was tin up there which caused carbon monoxide to come in their home and messed up both fireplaces, gas logs in both fire places, the walls & ceiling around Brian’s fireplace and caused both of them to be really sick for over a year. It doesn’t make sense to us that a Chimney company would do this and are aware that when the family wasn’t home, it is a possibility that someone else could have come & replaced the screen with tin. We can’t prove this but just a possibility to stop Brian from fighting to prove he is innocent and should not be on a sex registry. He is innocent. We know that for a fact! In November, 2017 Brian submitted to the federal court his 2255 of innocence with many pages his family wrote and other proof of his innocence. In December, 2017 until the spring of 2018 his mom was getting insulting greeting cards with a threat letter in the spring of 2018 all sent from Nashville, TN with no return address or name

while they both were being exposed to carbon monoxide. The Martinsville police conveniently did not do an investigation, and not one of them ever questioned us – no investigation at all!

Brian is still fighting to prove his innocence in the federal court in NC with the same judge who refuses to leave his case, making sure that he stays on probation. His probation was for 10 years in 2014. Now due to this indecent exposure case, the judge ignored his autism, carbon monoxide, etc and added 4 more years of probation. During this "setup" on Brian in 2018, he lost his Danville case because he was now spending his time fighting to prove he was innocent of the indecent exposure as well as the child porn. This same judge and the same prosecution keeps going back to "sex charges". They don't know of any other reason, **could it be a "setup"** as the threatening letter said, as the threatening emails sent to Brian and others and the threatening text sent to Brian in 2015 said they would do?

After re-reading the transcript, the police said Brian was wearing a stocking cap. We go with Brian to a lot of places and have never seen him wear that type of hat and have never seen photos of him wearing a stocking cap. He does wear baseball caps from time to time.

Page 57 of 164 "It's the document that was found on the SD card in printed version that belonged to Mr. Hill that was on the camera when we did the search warrant.
Q So this document was on the same card as the photographs?
A Correct.
Q And under the author, what does it say?

In reading the transcript and being at the trial in NC, we noticed a lot more things that look like a setup. We saw a pink camera that the police said Brian had. We have never seen Brian use a pink camera. He does take a camera most of the time, but it's a large black camera in a camera bag. You can look through photos his mom & we have taken of Brian, and you will not see him carrying a pink camera nor will you see him wearing a stocking cap. We took Brian's mom to Salem, VA to pick up Brian's backpack. Right away Brian's mom said that she had never seen that back pack before. We noticed that it was a lot smaller than the ones he uses. It was his clothes in that backpack, but we especially noticed there were no emergency diabetic supplies in it nor any hand sanitizer in it. He always takes his diabetic supplies & sanitizer with him. We have never seen Brian take selfie photos of himself. He does take videos when he is trying to say something. Brian said that the man in the hoodie gave him the camera according to the policeman who arrested Brian.

The prosecuting attorney said that it was Brian's camera because it has the form he sends to the probation officer with his name, nothing else except the nude photos of himself. If someone plans to set you up, what a convenient way – drug you – hand you a camera with a blank probation form that looks like you put it in the camera, add your name as the author for the police to see. Make sure there are nude photos of you in that pink camera. If I wanted to I can download this form at https://www.gasp.uscourts.gov/sites/gasp/files/MSRSexOffender.pdf. Anyone can download it especially if they want to set someone up. The police said that they had received one call. The police didn't identify the caller. Could it have been the very same person who handed him the camera & threatened killing his family? Brian told us in the hospital about that. He said the guy sounded like a white guy, not a black guy, but he couldn't identify him due to the hoodie. Brian said

he felt like he had been drugged. Isn't it convenient that the doctor at the emergency room that night did not test him for any substance (alcohol, drugs, carbon monoxide), did not test his glucose when it was clearly written on hospital records that he was diabetic and was on insulin shots. The police testified that they usually get blood test results. Isn't it unusual that they had no blood test results at all for Brian especially since he has been a brittle diabetic at the age of one year? To us, this is another clear set up just like the child porn that was downloading on his computer for 11 months when Brian didn't even have his computer.

My wife is looking up proof on Federal Court records and putting links so you can see all of this is true, especially the threats Brian & others have received.

If Brian was guilty, why would he fight so hard to get the discovery materials that were used against him in court? On the other hand, why did the prosecuting office fight so hard for him not to get these (Guilt on their part)? They also knew that this was being downloaded 11 months after his computer was confiscated and what else was on the discovery which would prove even further that Brian was innocent? Yet they kept him in jail or prison for months, many time half insulin, some days no insulin, on court days no insulin until he was brought back to jail handcuffed after hours in court with no insulin at all, no help with his autism, more like torture, made sure that he is on the sex registry, off the Internet and have extended that probation to 14 years. Why would he have that information on a pink camera? SETUP for sure just like the threatening emails, text & letter said.

Here could be one reason for the setup at this website as Brian was fighting for his discovery to keep it in court for his appeal: Freedom of information act. We saw it, there were no photos of any kind in that NC SBI report. No reason why Brian shouldn't have it to prove his innocence. Why did they fight this for over a year?

https://www.courtlistener.com/docket/6064365/hill-v-executive-office-for-united-states-attorneys/

Hill *v.* Executive Office for United States Attorneys (4:17-cv-00027)

District Court, W.D. Virginia

Date Filed: April 25, 2017
Date Terminated: Feb. 6, 2018
Date of Last Known Filing: Oct. 9, 2018
Cause: 05:552 Freedom of Information Act
Nature of Suit: 895 Freedom of Information Act

Brian was exposed to carbon monoxide from abt Oct. 2017 until he was arrested for indecent exposure in September 2018, and he was in jail & in bad shape on Oct. 9, 2018 so could no longer fight to get his discovery. That was a victory for the NC prosecuting office, but could it also explain the carbon monoxide and the set up? The above just shows the battle went on until Brian was arrested for indecent exposure in September, 2018, then his fight to get discovery ended, but it went on throughout Brian's exposure to carbon monoxide in his home: Brian could no longer fight to get his discovery to go along with more proof that he is innocent and had already put this proof in the court records in November, 2017.

Now let's read the threats he & others received which is on court records, and you can read these here: https://www.courtlistener.com/docket/4304407/united-states-v-hill/

United States $v.$ HILL (1:13-cr-00435)

District Court, M.D. North Carolina

Last Updated: Jan. 23, 2022, 6:34 a.m. EST
Assigned To: Thomas D. Schroeder
Date Filed: Nov. 25, 2013
Date Terminated: Nov. 12, 2014
Date of Last Known Filing: Dec. 6, 2021

If Brian is guilty, why is he fighting so hard to prove he is innocent? Knowing his medical record which is on these court records, why does this same judge and this same prosecuting attorney keep saying he is guilty without acknowledging any of Brian's proof of innocence, fighting to make sure he does not get a copy of his discovery (The proof supposedly of his guilt) & ignoring his witnesses who have written of his innocence with proof, denying Brian his constitutional rights & making sure he's the only judge?. Why have these threats not been investigated? Why is this judge knowing Brian's medical history not allowed any expert medical witnesses to testify. Could this be another reason for a set up with indecent exposure? To Brian's family, this explains why there is a pink camera in his possession and not the large black camera with the camera bag that he does use, why are there nude photos of him (if drugged that night), why he had a back pack that was not his, why he is wearing a type of cap that he never wears on outings with us when it is cold or at any time, why he had no emergency medical supplies with him, why someone would call the police who would find a camera in his possession with nude photos of him and a copy of the probation form he uses with his name on that, perhaps even why the doctor or nurse in the emergency room not providing any test results to prove he's diabetic, has been exposed to carbon monoxide for almost a year in his home, and maybe some drugs in his system from the man in the hoody and no body cam at court that Brain & his family asked to be used (perhaps someone from the police department involved to bring Brian down as recorded in those threat letters)? Read them yourself and then decide.

He does have autism which had gotten worse from the carbon monoxide but knowing Brian as we do, nothing else makes sense, add the part that he is under constant care by his mom except the few hours at night that she needs sleep, and this all happened while she was sleeping. She was waking up at 4:30 every morning to test his blood glucose after the 2 seizures he had one night (which happened while they were exposed to carbon monoxide), and someone calls the police at 3 AM. All of this needs to be investigated, too many holes in this case too just like the child porn setup with threats. The judge & prosecuting attorney saying he's guilty does not make it so. There are many people documented who have spent years in prison who were found to be innocent even though the judge & prosecuting attorney said they were guilty.

United States $v.$ HILL (1:13-cr-00435)

District Court, M.D. North Carolina

https://www.courtlistener.com/docket/4304407/46/united-states-v-hill/

Sep 30, 2014 # 46 DECLARATION of Susan Basko in Support of BRIAN DAVID HILL'S Motion to Withdraw Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes. (Attachments: # (1) Main Document Declaration

If you download these, you can read them better. You will also see in **Attachment 1 Exhibit A where Brian reported these to the FBI in 2015.**

Apr 3, 2015 # 71 Attachment 1 Exhibit A Page 2 (Threat sent to Brian by text on Feb 14, 2015) Basically when you read this it is saying "We will send you more child porn, Brian, stay as a sex offender and go get raped like a good sex offender. You will never win, you will never prove whom planted child porn in your drive. We can sneak into Sue Basko's house and plant child porn in her hard drive hahahahaha". There is a lot of bad language which we will not repeat here, but you can see this threat for yourself.

https://www.courtlistener.com/docket/4304407/71/1/united-states-v-hill/

Exhibit A Page 5 This was an email sent to Susan Basko that she emailed to us on 2/6/2015. It says "Brian Stop Appeal" (title) "Tell Brian to stop appeal in da court. He will not win even if he does we have authorities to set him up with child porn again. Think about it before you testify. You too Scott (sounds like this one went to one of Brian's attorneys). Tell Brian to cut his appeal or I will set him up to cut him".

Exhibit A Page 6. This is another email Susan Basko emailed to us (Brian's grandparents) on 2/6/2015 that she had received: It says basically "I warned you. Brian David Hill will suffer and it is his fault for not sticking with his paedophile guilty plea. Bad things will happen to him We promise you if Brian hasn't already been destroyed you all will never remove him from sex offender list. Brian will regret what he filed with the court He will pay possibly with his life Police watching him however we are watching him too even if he is under supervised release we can send thousands of child porn to Brian's email address and he will never know until he is allowed on the net then BOOM violation of probation then even they will beat him up"

Exhibit B — Document #71, Attachment #2
https://www.courtlistener.com/docket/4304407/71/2/united-states-v-hill/

Page 21-22 is an email Susan Basko sent to Brian's attorney, Jones and a copy to Brian's mom & grandparents on 2/16/2015 informing Mr. Jones that he needs to do something about this. She said that she is writing to him again as he is the one handling Brian's appeal. She said that Brian is the guy who was set up with child porn, and someone keeps sending her and others (You can read these yourself on court records, and they have been there since 2015). This is a long threat email they sent to her & others with more threats. This was reported to the FBI by those receiving it, and Brian reported the ones they sent to him in 2015. Why was all of this ignored & keeps being ignored?? They admitted AGAIN just like they did in 2012 & 2013 putting child porn on Brian's computer & the hard drive that his attorney picked up from the Mayodan, NC police department and took to Brian in Martinsville, VA. They said they had Brian on possession and his attorney on distribution. Read it and all of the other threats, then explain to us why you think nothing is being done or has been done. All of this is in federal court records. Brian has reported this to the FBI more than once. We have too more than once. They keep ignoring it & us.

Here are some more on the court records with where to find them. The more we read these & the threats, the more we know he is being set up. What kind of monster or monsters does this to someone with all of Brian's severe disabilities, and where are the law people & courts who are supposed to protect us from these monsters??? Meanwhile, Brian keeps fighting to prove his innocence and keeps being ignored.

Exhibit I — Document #71, Attachment #9 Page 11 sent to Brian (Email) on April 11, 2013. Submitted AGAIN to the court on 4/03/2015

https://www.courtlistener.com/docket/4304407/71/9/united-states-v-hill/

Brian's 2255 submitted on Nov 14, 2017 Document #128

https://www.courtlistener.com/docket/4304407/128/united-states-v-hill/

Exhibit — Document #131 Page 70-71 Threats to Brian in Email in 2013.

Article "Child porn investigations may snarl the innocent" from 2010 Page 79-88

https://www.courtlistener.com/docket/4304407/131/united-states-v-hill/

Exhibit — Document #134

https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/

Brian's grandmother, Stella Forinash is testifying here that Brian is innocent of child porn charges & reasons PAGE 34-71

NC SBI says the first time files were downloaded was on **July 20, 2012**. The Rockingham County police department spotted the child porn very early. This agrees with what Brian said on the Alex Jones Prison Planet on **July 12, 2012** when he said that the police were watching him and his mom and looking for a reason to arrest them, and he was afraid the police department was going to set him up. (See Document Police removed all computers and hard drives from Brian's house on **August 28, 2012** (netbook on August 29, 2012). According to this NC SBI Discovery Report, this child porn continued being downloaded **until July 28, 2013 (11 months after Asst attorney's brother, Bridge and Mayodan police removed it from Brian's house).** Case 1:13-cr-00435-WO **Document 45** Filed **09/26/14** Page 20 of 20.

On Page 54 above. Page 55 below

of 2. **US v. Hill - Hearing - September 30, 2014** is where Brian's grandparents & Attorney Sue Basko told the judge that Brian was innocent of knowingly downloading child porn. This was the same court case where Brian D. Hill's court appointed attorney and the prosecuting attorney confessed to the judge that they had received emails from Attorney Sue Basko and calls from others coming forth to be witnesses for Brian and that they ignored Brian's witnesses (Entire transcript is in court records). This is the same hearing that the judge appointed a new attorney for Brian, but too late as Brian's health had gone down too low from over 9 months of not getting the right amount of insulin prescribed by his diabetic doctor for the past 22 years. (From the age of 21 months to the age of 23+ years).

Brian's Grandpa, Kenneth Forinash is testifying for Brian: Page 73-75

I have known Brian David Hill since December 2000. He has gone on day trips and extended trips with his mother, Roberta Hill, grandmother, my wife, Stella Forinash and myself numerous times. Due to his diabetes and autism he always stayed with us when we went on these trips. I have never seen him approach a child, or show any interest in a child. His main hobby was taking pictures of scenery, and he did not want any human in his pictures. He would get agitated when someone walked in front of him while he was taking a picture.

I tried helping his mother and grandmother find help for his autism while he lived in North Carolina and after he moved to Virginia. We had very little luck getting assistance from any groups in NC, but after moving to Virginia in September of 2012 he was placed on a Medicaid waiver immediately after applying due to all of his medical and mental problems. There is normally a 7 year waiting list for this waiver, but he was placed on it right away. This waiver made it possible for someone to be paid for 40 hours of assistance and respite for Brian per week. In addition to this waiver, there were also individuals from EHS Support Services LLC that would take him on hikes, and to the YMCA. They also made it possible for him to see a counselor for his OCD problems.

Brian's mom, Roberta Hill is testifying for Brian: Page 76-87

To Whom This May Concern:

I am Brian David Hill's mom, and I am a witness to many events that have occurred in Brian's case. I believe that my son is innocent of any wrong doing. The crime that he was accused of paints a different picture of my son, than who he is as an actual person.

I also am a witness to how autism and Obsessive Compulsive Disorder (OCD) affects my son. Since he was a very young child he has been sensitive to receiving hugs from anyone and does not like to be touched on his shoulders. This is not uncommon for someone with autism. With his OCD he is very sensitive to anyone touching him or his stuff and constantly washes his hands and uses Germ X due to his fear of getting dirty or getting germs. Because of his autism he has never had a girlfriend and he is a virgin, yet the court has put him on the sex offender registry. He has never been accused of sexually molesting a child or of raping an adult, and yet he is being treated as if he is a threat to society.

I have compiled a list of my eyewitness accounts in his case.

Brian says that he had been downloading child porn for 1 year or so. The evidence only shows that there were photos on his computer for 39 days prior to the police raid. This is the time frame in which my son was dealing with a virus on his computer. About almost 11 months of those dates is when his computer was in the custody of the Mayodan Police Department and the State Bureau of Investigations of North Carolina. This is a clear false confession that can be proven from the interview records of the Mayodan Police Department and the discovery report.

Actually, we noticed later that they asked Brian about downloading things, then later changed their wording to "child porn" Brian was confused and was talking about downloading music. The police knew Brian was disabled, yet disobeyed the "Americans with disability act" by questioning him alone without someone present who was trained in autism. They refused to let us hear that tape. Brian said things that was on paper that looked to us like he was just repeating what they said to him which is part of autism when one is stressed to the limit, and all of us were stressed after that police raid. If we or an autism professional could have heard that tape, I'm sure that is what was going on.

Brian downloads proof of his autism: Pages 88-99

https://www.courtlistener.com/docket/4304407/134/united-states-v-hill/

Document 134 & there are many more threats & a lot of proof of innocence that Brian has shared, but this letter is getting too long, and we're getting too tired.

Anything you could do to help this young man would help immensely. If there is anything further you need from me, please feel free to have your office contact me at the above address or phone number.

Thank You,

Kenneth R. Forinash, TSgt, USAF, Ret

Stella B. Forinash (I can put an affidavit if needed with witness signature notary that I am telling the truth). Thank you for your time reading this. 1/23/2022

EXHIBIT 18
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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FILED IN OFFICE
AUG 16 2019
Clerk U.S. District Court
Greensboro, NC
BY

PROB 19
Rev. 8/2000, NCMD

United States District Court
for the
Middle District of North Carolina

USA v. BRIAN DAVID HILL **Docket No. 1:13CR435-1**

TO:[1] THE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA OR ANY OTHER AUTHORIZED OFFICER:

WARRANT FOR ARREST OF SUPERVISED RELEASE VIOLATOR			
You are hereby commanded to arrest the within-named violator and bring him or her, forthwith, before the United States District Court to answer charges that he or she violated the conditions of his or her probation imposed by the court.			
NAME OF VIOLATOR **BRIAN DAVID HILL**	SEX M	RACE W	AGE 28
ADDRESS (STREET, CITY, STATE)			
SUPERVISED RELEASE IMPOSED BY: MIDDLE DISTRICT OF NORTH CAROLINA	DATE IMPOSED: 11/10/2014		
TO BE BROUGHT BEFORE: MIDDLE DISTRICT OF NORTH CAROLINA, GREENSBORO, NORTH CAROLINA			
CLERK: JOHN S. BRUBAKER	BY (DEPUTY CLERK) /s/Joy Daniel	DATE 11/14/2018	

RETURN		
Warrant received and executed.	DATE RECEIVED 11/14/18	DATE EXECUTED 12/22/18
EXECUTING AGENCY (NAME AND ADDRESS) USMS		
NAME Steven L. Gladden	(BY)	DATE 12/22/18

RECEIVED
NOV 14 2018
U.S. Marshals Service, M/NC

EXHIBIT 19
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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U.S. Department of Justice
United States Marshals Service

DETAINER

BASED ON VIOLATION OF PROBATION AND/OR SUPERVISED RELEASE

United States Marshal
Western District of Virginia
(District)

P.O. Box 2280
Roanoke, VA 24009

(Return Address and Phone)

Please type or print neatly:

TO: Martinsville City Jail
55 West Church Street
Martinsville, VA 24112
ATTN: Records

DATE: November 15, 2018
SUBJECT: HILL, Brian David
AKA:
DOB/SSN: 5/26/90 591-98-0319
REF. # FID#9402184
USMS #: 29947-057
CR #: 1:13CR432-1

Please accept this Detainer against the above-named subject who is currently in your custody. The United States District Court for the Middle District of North Carolina has issued an **arrest warrant** charging the subject with **violation of the conditions of probation and/or supervised release.**

Prior to the subject's release from your custody, please notify this office at once so that we may assume custody if necessary. If the subject is transferred from your custody to another detention facility, we request that you forward our Detainer to said facility at the time of transfer and advise this office as soon as possible.

The notice and speedy trial requirements of the Interstate Agreement on Detainers Act do NOT apply to this Detainer, which is based on a **Federal probation/supervised release violation warrant.**

Please acknowledge receipt of this Detainer. Please provide one copy of this Detainer to the subject and FAX one copy to this office at 540-857-2032 .
FAX No.

RECEIPT

Date: 11-15-18
Signed: W. R. Acord
By: Robbie Acord
Title: C.O.

Very truly yours,

(Signature)

Richard Sellers, Acting U.S. Marshal
(Name and Title)

Requested by: Chrissy Dinnerville, Criminal Program Specialist

Form USM-16D
Rev. 04/05

EXHIBIT 20
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA	)	
	)	
v.	)	1:13CR435-1
	)	
BRIAN DAVID HILL	)	

JUDGMENT AND COMMITMENT
Supervised Release Violation Hearing

On September 12, 2019, a hearing was held on a charge that the Defendant had violated the terms and conditions of supervised release as set forth in the Court's Order filed July 24, 2015 and the Judgment filed November 12, 2014 in the above-entitled case, copies of which are attached hereto and incorporated by reference into this Judgment and Commitment.

The Defendant was represented by Renorda E. Pryor, Attorney.

The Defendant was found to have violated the terms and conditions of his supervised release. The violation(s) as follow were willful and without lawful excuse.

Violation 1. On September 21, 2018, the Defendant was arrested for the commission of a crime.

IT IS ORDERED that the Defendant's supervised release be revoked. The Court has considered the U.S. Sentencing Guidelines and the policy statements, which are advisory, and the Court has considered the applicable factors of 18 U.S.C. §§ 3553(a) and 3583(e).

IT IS ORDERED that the Defendant be committed to the custody

of the Bureau of Prisons for imprisonment for a period of nine (9) months.

IT IS FURTHER ORDERED that supervised release of nine (9) years is re-imposed under the same terms and conditions as previously imposed.

The Defendant shall surrender to the United States Marshal for the Middle District of North Carolina or to the institution designated by the Bureau of Prisons by 12:00 p.m. on December 6, 2019.

United States District Judge

October 4, 2019.

EXHIBIT 21
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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VIDEO EVIDENCE OF

https://www.youtube.com/watch?v=5PMalR45MSo - Video Testimony of Brian David Hill on January 5, 2022 2nd Iteration

Dated January 6, 2022

Disclaimer: Link and information were all given to Defendant by family and no internet was used to obtain the link text and description text used to present this evidence. YouTube Video Link. Brian David Hill is willing to file a physical DVD or Blu-Ray DVD AVC-HD discs with the Court for a permanent piece of evidence for the record.

for EXHIBIT 21

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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EXHIBIT 22
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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AUDIO EVIDENCE OF

https://archive.org/details/e-3-20190924130648-i-2766344000 - Digital audio file of what is being filed in Federal Court in the new 2255 Motion. As part of Exhibit 3 in Brian's Federal 2255 Motion: An Audio CD disc (digital audio file located at the link given by Brian's family and uploaded by Roberta Hill to present to the Court for quick review by the Judge) containing a 21 Minute, 25 Seconds audio clip of a phone call conference recording between Brian David Hill 276-790-3505 and Attorney Matthew Scott Thomas Clark 276-634-4000. Dated September 24, 2019. File reports time of 2:27PM. Attorney/client privilege for this audio waived. Audio for Exhibit 3 for usage in Federal 2255 Motion and for Martinsville Commonwealth case as well. Disclaimer: Link and information were all given to Defendant by family and no internet was used to obtain the link text and description text used to present this evidence. YouTube Video Link. Brian David Hill is willing to file a DVD or Blu-Ray DVD AVC-HD discs with the Court for a permanent piece of evidence for the record.

for EXHIBIT 22

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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EXHIBIT 23
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
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Code of Virginia
Title 19.2. Criminal Procedure
Chapter 16. Evidence and Witnesses

§ 19.2-271.6. Evidence of defendant's mental condition admissible; notice to Commonwealth.

A. For the purposes of this section:

"Developmental disability" means the same as that term is defined in § 37.2-100.

"Intellectual disability" means the same as that term is defined in § 37.2-100.

"Mental illness" means a disorder of thought, mood, perception, or orientation that significantly impairs judgment or capacity to recognize reality.

B. In any criminal case, evidence offered by the defendant concerning the defendant's mental condition at the time of the alleged offense, including expert testimony, is relevant, is not evidence concerning an ultimate issue of fact, and shall be admitted if such evidence (i) tends to show the defendant did not have the intent required for the offense charged and (ii) is otherwise admissible pursuant to the general rules of evidence. For purposes of this section, to establish the underlying mental condition the defendant must show that his condition existed at the time of the offense and that the condition satisfies the diagnostic criteria for (i) a mental illness, (ii) a developmental disability or intellectual disability, or (iii) autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

If a defendant intends to introduce evidence pursuant to this section, he, or his counsel, shall give notice in writing to the attorney for the Commonwealth, at least 60 days prior to his trial in circuit court, or at least 21 days prior to trial in general district court or juvenile and domestic relations district court, or at least 14 days if the trial date is set within 21 days of last court appearance, of his intention to present such evidence. In the event that such notice is not given, and the person proffers such evidence at his trial as a defense, then the court may in its discretion either allow the Commonwealth a continuance or, under appropriate circumstances, bar the defendant from presenting such evidence. The period of any such continuance shall not be counted for speedy trial purposes under § 19.2-243.

If a defendant intends to introduce expert testimony pursuant to this section, the defendant shall provide the Commonwealth with (a) any written report of the expert witness setting forth the witness's opinions and the bases and reasons for those opinions, or, if there is no such report, a written summary of the expected expert testimony setting forth the witness's opinions and bases and reasons for those opinions, and (b) the witness's qualifications and contact information.

C. The defendant, when introducing evidence pursuant to this section, shall permit the Commonwealth to inspect, copy, or photograph any written reports of any physical or mental examination of the accused made in connection with the case, provided that no statement made by the accused in the course of such an examination disclosed pursuant to this subsection shall be used by the Commonwealth in its case in chief, whether the examination was conducted with or without the consent of the accused.

D. Nothing in this section shall prevent the Commonwealth from introducing relevant, admissible evidence, including expert testimony, in rebuttal to evidence introduced by the defendant pursuant to this section.

E. Nothing in this section shall be construed as limiting the authority of the court from entering an emergency custody order pursuant to subsection A of § 37.2-808.

F. Nothing in this section shall be construed to affect the requirements for a defense of insanity pursuant to Chapter 11 (§ 19.2-16 et seq.).

G. Nothing in this section shall be construed as permitting the introduction of evidence of voluntary intoxication.

2021, Sp. Sess. I, cc. 523, 540.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and ma exclude chapters whose provisions have expired.

1/24/202

Virginia Law Library
The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in both EPub and MOBI eBook formats.

Helpful Resources
Virginia Code Commission
Virginia Register of Regulations
U.S. Constitution

For Developers
The Virginia Law website data is available via a web service.

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EXHIBIT 24
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Sunday, January 30, 2022



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In the Court of Appeals of Virginia
In the City of Richmond

Brian David Hill,	)	
Petitioner/Defendant	)	
	)	**Civil Action No. _____**
v.	)	
	)	
Commonwealth of Virginia,	)	
City of Martinsville,	)	
Respondent/Plaintiff	)	
	)	

DECLARATION OF BRIAN DAVID HILL IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

I, Brian David Hill, being first duly sworn upon oath, do hereby depose and state:

1. I am the criminal defendant in Criminal case No. 1:13-CR-435-1 in the Middle District of North Carolina, and am also the Petitioner in the new foregoing Petition for a Writ of Actual Innocence not yet given a civil case number. I am the criminal defendant in Virginia Criminal case: CR19000009-00; Commonwealth of Virginia and City of Martinsville v. Brian David Hill. The conviction was final in the Circuit Court for the City of Martinsville after it was appealed from the General District Court. However I had timely appealed the conviction, and thus I do not personally believe that the criminal conviction is final until after the final decision in the Supreme Court of Virginia or a final decision by the Supreme court of the United States. I have read in case law in other courts that a criminal conviction is not final until after the date of when the timely appeal of conviction was exhausted. I am not sure if the Virginia Courts treats it that way, but I feel like the conviction is not yet final because of my timely filed Notice of Appeal until after a decision by the Supreme Court of Virginia or a final decision by the Supreme court of the United States.

2. I am also a criminal defendant in Virginia State case no. C18-3138 when I was arrested by Officer Robert Jones an officer with Martinsville Police Department in the State/Commonwealth of Virginia. I heard that he was an investigator there much like a detective but haven't confirmed that. His badge number may be #220. That was in the General District Court for the City of Martinsville.

3. Virginia is a Commonwealth but also called a State in the Federal Court records. Both refer to the same entity of "Virginia". However the State of Virginia is known as a "Commonwealth" to my knowledge.

4. I was arrested on the date of September 21, 2018. Case no. C18-3138 was in the General District Court in the City of Martinsville.

5. I had been in the courtroom for the General District Court in the City of Martinsville multiple times. I only seen one judge in that courtroom each time I was in there for a hearing. I believe that Judge was named the Hon. Marcus A. Brinks, Chief Judge. I can't be certain but that name came up as the Judge in 2018 in the General District Court, so I assume it is him.

6. I am aware that the General District Court does not conduct jury trials. All cases in this court are heard by a judge. Jury trials are held only in circuit court, as provided by the Constitution of Virginia. The General District Court does not have transcripts of its bench trials that I am aware of. I understand that it is not a State Court of record.

7. On December 21, 2018, I was on trial in the General District Court. Court appointed attorney Scott Albrecht, Assistant Public Defender in the City of Martinsville, was present at the Trial. He argued at the Trial that I was not obscene and had typed up a Virginia Code on his phone and read it to the Judge. I believe he read out Virginia Code § 18.2-372.

8. During the Trial on December 21, 2018, after Attorney Scott Albrecht read that Brian David Hill never masturbated, never ran up to somebody physically and that person scream "Oh my God!". He argued that I was not being obscene. Then the Commonwealth Attorney Glen Andrew Hall argued

"Brian was never charged with obscenity". I can't remember the entire hearing but I am recalling what I can remember since there are no Transcript services in the General District Court in Martinsville.

9. During the Trial on December 21, 2018, I remember Officer Robert Jones testifying on the stand in the General District Court. Scott Albrecht had asked that Officer if I had ever masturbated, and he said no. He asked if I was being obscene and the officer said I wasn't. He asked him if he was aware of Brian David Hill approaching anybody and them screaming oh my god. He asked Robert Jones if he thought I was aroused and he said no if I am remembering correctly. He attempted to ask enough questions. My memory of the Trial isn't as good as then and of course the Carbon Monoxide may play a role in me not remembering everything very well. He was asking the Officer questions to prove to the Judge that I was not obscene. I never saw any regular person testifying about the September 21, 2018 incident, that day. Just Officer Robert Jones and I both testified that day.

10. During the Trial on December 21, 2018, Attorney Scott Albrecht had me testify on the stand under oath. I spoke about the guy in the hoodie threatening me to get naked and take photos of myself or my mother Roberta Hill would be murdered. The Commonwealth Attorney Glen Andrew Hall had me to explain the description of the guy in the hoodie. I said at another part of my testimony under oath, I assumed it was under oath, that I didn't want my mom shot full of holes and said it emotionally. The photos of me nude were presented to the Judge and to my attorney. My attorney did not argue any case law. It was pretty much that Scott Albrecht argued that I was not obscene, and the Commonwealth Attorney said I was not charged with obscenity. The judge saw the photos. I stepped down from the stand. The judge said he finds me guilty of indecent exposure. I asked Scott Albrecht to appeal it so that my Supervised Release would not be revoked. Scott Albrecht whispered in my ear: "Your probation is already revoked". I was angry after that and proceeded to file a pro se Notice of Appeal since Scott Albrecht did not discuss plans to file such. I suspected that the reason I was found guilty was because he didn't bring up the case laws where intent and obscenity must be proven to convict somebody of § 18.2-387. Indecent exposure. Then the Commonwealth Attorney arguing that I was not charged

with obscenity, basically acknowledging that I was not obscene but argued strict liability even though those three or more case laws regarding the obscenity requirement could have had me found not guilty in General District Court. It just never worked out the way I had hoped it would have.

11. I do not believe that the Federal Court should consider the original conviction on December 21, 2018 in the General District Court as my final conviction at the time that it had happened since it isn't a Constitutional Court of record. My friend Eric S. Clark had called the General District Court a "police court" and does not consider that as a Constitutional State Court of Record. Eric S. Clark was a friend who helped me with legal pleadings years ago like in 2018, 2019, and even before 2018.

12. I found out in the Federal Courthouse in Roanoke, Virginia, in front of Magistrate Judge Robert S. Ballou that my Appeal had succeeded and that it was called a Trial De Novo. It was appealed to the Circuit Court of the City of Martinsville, and that is a State Court of Record. However not all hearings are under Transcription from a Court Reporter. Only the main Trial or Jury Trial appears to have the statutory requirement for a Transcript of the proceeding.

13. In 2019, after I was released on Federal Bond and later on had to turn myself in to later be released on State Bond, so I was under both State and Federal Bond conditions which I complied with both of them until I was no longer required to do so by both the State and Federal Courts.

14. After my release, I was appointed a new lawyer named Lauren McGarry after Scott Albrecht left the Public Defender office and he no longer worked there anymore.

15. On July 15, 2019, Lauren McGarry met with me and my family as I was to appear before the hearing which would have been set for jury trial on August 30, 2019 but was later continued until December 2, 2019.

16. Anyways, On July 15, 2019, I remember talking to her and my family about the Carbon Monoxide Gas exposure and I believe other issues, and she refused to defend me believing that I had no case. My mother Roberta Hill

asked her “What about reasonable doubt?” and she acted as though there was no such thing. She had a hostile attitude in me having any legal defense.

17. On July 19, 2019, I started filing pro se motions again as I felt that Lauren McGarry was acting hostile towards me having any criminal legal defense for my charge. I felt that she was dangerous to me being acquitted of my Supervised Release Violation so I started filing pro se motions on my own again in the Circuit Court of Martinsville.

18. On July 19, 2019, I had filed the Motion to Request Substitute Counsel. I presented facts and one such fact was that in 2014, she was an “intern for the Commonwealth Attorney's Office of Martinsville. I also stated in that motion: **“Brian no longer wishes to stay in communication with his lawyer which causes a problem for Brian's Circuit Court case. He feels angry about her, and doesn't want to talk to her anymore because she is rude to Brian's family, complains that nothing can be brought up as evidence and not even medical records from the Hospital, and then she said that she cannot bring up Pete Compton as a witness for the trial. She ignored the case law which means, if there is a guilty verdict by a jury and the case is appealed up further, Lauren will not bring up the three different case laws regarding acquittals of indecent exposure for not meeting the bar of the obscenity clause. Lawyer Scott Albrecht told Brian and his family in 2018 that Brian was innocent of indecent exposure because Brian wasn't sexually aroused when he was naked, he was just naked, that was it.”** I also discovered that Lauren McGarry had worked as an intern for the Commonwealth Attorney’s Office for the City of Martinsville as an intern but she attempted to cover that up on her Linkedin page because Roberta Hill researched it and shown me her Linkedin profile, printed it out for me. Then she showed me that Lauren McGarry was an intern at the Martinsville Commonwealth Attorney’s Office as an intern but it struck me as odd that she wasn’t honest about her past legal work as it may create issues as a court appointed lawyer. I brought up those issues in my Motion for Substitute counsel and I had typed in my filed motion in one paragraph: **“Roberta Hill had discovered that Lauren's LinkedIn profile had omitted the fact that in 2014, she was an intern for the Commonwealth Attorney's Office of Martinsville. Brian's family found at least 2-3 articles showing that Lauren McGarry had worked for the**

Martinsville Commonwealth Attorney Office as an intern back in 2014. Explains why she doesn't want any witnesses to testify and doesn't want any evidence to be presented to the court for admissibility for the jury trial either. A potential conflict of interest. All of her refusals to do any defense work is beneficial to the other side, to the Commonwealth Attorney."

19. All of my pro se motions seemed to have been ignored by the Circuit Court Judge Hon. Giles Carter Greer except only the Motion to Withdraw Appeal. However, the Motion to Request Substitute Counsel was ignored, but then Lauren McGarry knew I made valid points in my pro se motions and admittedly in her filed motion that "An actual conflict of interest exists concerning matters of zealous representation of clients, diligence and the relationship between counsel and the Defendant. See Rules of Professional Conduct 1.3, 1.6 and 1.7; see also Holloway v. Arkansas, 435 U.S. 475 (1978); Dowell v. Commonwealth, 3 Va. App. 555 (1987)." After that she was removed as my attorney of record and I was then appointed Matthew Scott Thomas Clark. He has an attorney office in Martinsville, Virginia at the time I was his client.

20. Attorney Matthew Scott Thomas Clark did make sure to push for the Circuit Court to modify my bond conditions to allow me to travel to the Federal Courthouse in Winston-Salem, North Carolina on September 12, 2019, to appear there for the Supervised Release Violation Trial.

21. After the Revocation Judgment rendered by Chief Judge Thomas David Schroeder on September 12, 2019, at a later day I was to set up an appointment to speak with Matthew Scott Thomas Clark. An appointment was set up for September 24, 2019. Instead of an actual visit, it was a teleconference phone call with Matthew S.T. Clark which gave me the opportunity to record the phone call in case the Attorney ever betrayed me or went sideways which he did, just like Lauren McGarry. I recorded the **Exhibit 3**, audio file converted to a physical Audio CD-ROM by usage of a Disc burning software. That audio CD which contains a "21 Minute, 25 Seconds audio clip of a phone call conference recording between Brian David Hill 276-790-3505 and Attorney Matthew Scott Thomas Clark 276-634-4000. Dated September 24, 2019. File reports time of 2:27PM.

Attorney/client privilege for this audio waived." Yes, I waive the attorney/client privilege for only the audio recorded in **Exhibit 3**. I am releasing this audio to the Court for the purpose of exposing him and exposing the interference I had witnessed where the quick Revocation decision on September 12, 2019, by Chief Judge Schroeder had screwed up my State Case and had caused my lawyer to start pushing me over and over again repeatedly to have me withdraw my appeal and accept the guilty verdict in the General District Court.

22. The next appointment I had with Matthew Scott Thomas Clark, it was the same thing, he acted like he couldn't find any experts which would agree to testify in a "criminal case" but would testify in only civil cases about Carbon Monoxide poisoning and how it causes weird or abnormal behaviors. I was dissatisfied that he didn't find a single expert agreeing to review over the evidence. He explained again, just like in the phone conversation I had recorded, that I would go in front of Christian Bible Belt jurors who would wonder why I was out there naked. He insinuated that they would find me guilty outright even with the case law requiring obscenity and intent to convict. He kept saying multiple times that we need a laser focus defense argument. He acted like he couldn't find any.

23. At the time I spoke with him, I did not know that Matthew Scott Thomas Clark had in his possession, the envelope full of evidence I had mailed to Police Chief G. E. Cassady, Certified Mail, Return Receipt, and restricted delivery. I had shown the original evidence of the envelope in **Exhibit 15** filing in this 2255 case, of a video recording by myself containing: "30 Minutes, 13 Seconds Declaration testimony and physical evidence presentation by Brian David Hill. Recorded/produced on January 5, 2022." I had shown the envelope and proven in the video that it was still sealed and never opened by anybody after I had originally sealed it and mailed it to Police Chief G. E. Cassady on July 19, 2019 at the U.S. Post Office.

24. I am aware that on August 7, 2019, that Police Chief G. E. Cassady had personally signed the return receipt for the restricted delivery of envelope to the Chief of Police of Martinsville Police department. See the Federal Court records in the Western District of Virginia, Case # 4:20-cv-00017-JLK, Document 2-2, Filed 03/27/20, Page 42 of 72, Pageid#: 73; Page 41 of 72

Pageid#: 72; Page 40 of 72 Pageid#: 71; Page 39 of 72 Pageid#: 70. The envelope was also shown in the **Exhibit 15** video which I had recorded and made such statements under Declaration and under penalty of perjury. I hold this envelope as evidence and it is in my possession.

25. After I had filed my Motion to Withdraw Appeal, I made sure to not give Matthew Clark his way and I filed it in a way to ensure that I did not plead guilty and it is on the Record on Appeal in the case that I did not plead guilty but only withdrawn my appeal so that Matthew Clark would be happy and I can try to challenge the conviction by other means. Like for example, the Petition for the Writ of Actual Innocence. I had initially filed a Petition for the Writ of Habeas Corpus on the ground of Actual Innocence, ineffective counsel, and other grounds but my Petition for the Writ of Habeas Corpus was dismissed not due to merits but was dismissed because I was not in State custody at the time I had filed my Petition for the Writ of Habeas Corpus ("WHC"). So that is why it failed in the Commonwealth of Virginia and in the Circuit Court. It failed on direct appeal because I was not in State custody at the time my WHC was filed. WHC was filed in case no. CL19000331-00, filed November 18, 2019.

26. In my Motion to Withdraw Appeal in the Circuit Court, I had preserved certain grounds such as "Actual Innocence. It said on record that "However Brian does NOT waive his right to collaterally attack/challenge his conviction in General District Court and also does NOT waive his right to file a Writ of Actual Innocence." This was put in under Exhibit 4, a true and correct copy from the Appeal Record where Roberta Hill received Portable Document Files ("PDF") files containing the entire Record on Appeal and was emailed to Roberta Hill at rbhill67@comcast.net, by a deputy Clerk at the Court of Appeals of Virginia. So it is a true and correct copy of my filed MOTION TO WITHDRAW APPEAL in the Circuit Court of Martinsville, and was faxed to the Clerk's Office on November 11, 2019. It was dated as to being filed on November 12, 2019 by the Deputy Clerk or Clerk or both.

27. I am not admitting guilt when I had withdrawn appeal. Whenever I had read the Record on Appeal in February or March, 2021, I don't have the exact day in my head as to whenever I had started reading the Record on Appeal file, but I had learned that I had never plead guilty and that the Judge or his

Law clerk or whoever had marked out any notion that I ever changed my plea. I am making sure to file **Exhibit 5**, supporting my claim made under oath in this Declaration that I did not ever plead guilty. In fact it says in that conviction order that "DEF ~~CHANGED HIS PLEA TO GUILTY AND~~ AFFIRMED JUDG GDC, PAY COURT COSTS". The words about "CHANGED HIS PLEA TO GUILTY AND" were stricken from the record by what appears to be a black permanent marker pen ink. This proves to the Federal courts that I did not permanently give up the fight to be found Innocent of Virginia Code § 18.2-387. Indecent exposure. I preserved my Innocence and the Circuit Court had accepted that I had initially preserved my "innocence". So it is essentially almost like an Alford Plea. I let them convict me but I did not plead guilty and I had maintained my innocence. So it could be construed legally as an Alford Plea.

28. I am aware of the definition Alford Plea, meaning "An Alford plea, in United States law, is a guilty plea in criminal court, whereby a defendant in a criminal case does not admit to the criminal act and asserts innocence." Although that definition does not match that I entered no guilty plea at all. It was mainly withdrawing my appeal from the Circuit Court and that entered my final conviction. I had timely appealed that decision in attempting to overturn the final conviction. It seems to be still pending and I have yet to be ordered by the Supreme Court of Virginia to file any brief or Petition for Appeal. So it is still pending, the direct appeal. My conviction may not be final.

29. I had asserted in my Motion to Withdraw Appeal that "Brian will not get a fair trial in state court until his federal conviction is overturned, or that President Donald John Trump grants Brian a pardon of innocence for his federal conviction." So the Federal Conviction in November 12, 2014, had played a role in what led up to the Motion to Withdraw Appeal, where the State Court could use my wrongful conviction of child porn against me while my 2255 Motion for that conviction was still pending. I was told by multiple private lawyers that I could not bring up about my 2255 Motion attempting to challenge my wrongful conviction at the time, all they would hear is "Brian was convicted of possession of child pornography." I knew it would create artificial stigmatization. The entire jury would feel that I was a pervert and they would refuse that I was not obscene and refuse that I had no

intent to run around naked. They would refuse to accept my explanation about Carbon Monoxide, once they hear the words “child porn, child porn, child porn, child porn, child porn” that will be all they would think about. I would be convicted no matter what when they simply hear the words “child porn” and “federal case” in the “Middle district of North Carolina” referring to 1:13-cr-435-1. So I didn’t withdraw my appeal because of any guilt. I wasn’t going to receive a fair trial because of my Federal case, my wrongful conviction, and why I am under Supervised Release to begin with.

30. After I had withdrawn appeal, I had at some point in 2019 or 2020, I had filed an application for an Absolute Pardon with the office of the secretary of the Commonwealth. From what I understand it is: “An absolute pardon may be granted when the Governor is convinced that the petitioner is innocent of the charge for which he or she was convicted. An individual is eligible to petition for an absolute pardon ONLY if he/she pled Not Guilty throughout the judicial process and exhausted all forms of judicial appeals and other remedies. An absolute pardon is rarely granted.” I have not exhausted my Petition for a Writ of Actual Innocence. I plan on filing it after my 2255 Motion was filed. I plan on notifying the U.S. District Court and/or Federal Prosecutor after it is successfully filed and entered on the record in the Court of Appeals of Virginia. I did not give up on proving my innocence to my indecent exposure charge. I was forced by circumstances and Judge Schroeder’s interference with the State Trial De Novo to withdraw my appeal. My Federal Case was going to be used against me and cause the Jury to feel angry and hateful towards me once they hear the Federal conviction of “possession of child pornography”. I would not get impartial justice from a tainted jury. Once they hear my conviction in 2014 as the Middle district of North Carolina is aware of and the entire case is about, any chance of me being found not guilty by a jury probably reaches zero in my opinion. I cannot feel confident when the labels Federal conviction of “child porn” are used for at a Jury Trial for my charge of indecent exposure. My federal case does not have any fact as to the indecent exposure, but that would be a way to impeach or attempt to throw out my testimony if I choose to testify on the stand. It would not be a good position. It would not be a fair trial. That was one of different reasons why I had filed my Motion to Withdraw Appeal in the Circuit Court. I am not admitting to any violation of Supervised Release. I am not pleading guilty to the charging documents under #157, #156, and

#158. All I did was withdraw my appeal and give myself a chance to be acquitted of both my State conviction on November 18, 2019 and Federal conviction on September 12, 2019.

That is the facts I wish to present from my personal knowledge and testimony under oath in this 2255 case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 30, 2022.

Date of signing: January 30, 2022 _____	Respectfully submitted, Brian D. Hill Signed Brian D. Hill Signed Brian D. Hill (Pro Se) 310 Forest Street, Apartment 2 Martinsville, Virginia 24112 Phone #: (276) 790-3505 U.S.W.G.O. I stand with QANON – Drain the Swamp I ask Qanon for Assistance (S.O.S.) Make America Great Again

Friend's justice site: JusticeForUSWGO.wordpress.com
JusticeForUSWGO.NL

EXHIBIT 25
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Monday, January 31, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

Letter of Support from Brian Hill's Grandparents asking for an Investigation Into Brian's sex setup in Martinsville, VA in 2018, investigating his sex setup in Mayodan, NC in 2012 as well as his set up in 2015 due to his Autism (small autistic meltdown not hurting anyone) while he was fighting to appeal his 2012 - 2014 case causing a Probation Violation Problem. Brian's Family is asking for an acquittal in both states & for him to be released from the sex registry as he is innocent and has been a victim for 10 years due to his AUTISM & to his USWGO website. The Proof of his innocence is in the Court Records in the Federal Middle District of NC. Both courts have the power to order this investigation after reading all of our proof that has been sent to both courts in January, 2022. We are Brian's volunteer autism advocates. I am submitting more proof in this letter & 2 documents included: one with photos of Brian (worth a thousand words – 12 pages) and another one (3 pages) where we asked the Martinsville police chief for the body cam at the time of Brian's arrest to be given to his lawyer after Brian had written 2 letters to him to give the body cam to his lawyer then contacted us about it. We are all citizens of Martinsville, and this police chief ignored all of us. Brian = Innocent.

This letter is about what Brian wrote to his grandmother on 1-5-2019: Read this letter Brian wrote. After I write this, I will make sure that Brian approves. If he does, he has my permission to send anything he wants to the VA state & Federal NC court or anywhere. They (the NC federal court) have put this case together with his 2012 child porn set up which I think is great because this 2018 case was a set up as while. Maybe now someone will investigate 2 police departments and 2 police chiefs (one in Mayodan, NC in 2012 and the other one in Martinsville, VA) and extend to the courts.

For a long time, we knew that nothing could be done, and it's hard to go back, but due to this new law (We really thank God & His heavenly & earthly team for this new law about autism). To start with, we knew that Brian's autism had gotten worse and knew that someone with autism could leave the house alone at night. We thought he had his camera when he met this guy that night and just knew Brian would be upset about the police taking his camera, but he wasn't upset about that, then a year later when we were at the NC court, we saw a pink camera not a black camera, but months before that we went to this Western Virginia Regional jail in Salem, VA to pick up Brian's backpack. We re-read the federal transcript where the policeman told him that Brian said the guy in the hoody gave him the camera. We don't believe Brian took those photos. Due to his autism, if the people who probably drugged him told him he took the photos, he is probably repeating what they told him, all of this is part of his autism. His mom had never seen that backpack, but his clothes, shoes and 2 flash lights were in it. We were shocked to see no emergency supplies for his brittle insulin dependent diabetes as well as no hand sanitizer for his OCD. We didn't even think about where this backpack came from; Instead we were worried about why Brian didn't have his emergency supplies and realized away from his mom, he could have died; all of that walking could have caused a severe seizure and death. Apparently he had forgotten to take his insulin shot. We don't know, but he was apparently out of it

that night. We were thankful the police found him. We couldn't understand why someone with autism was arrested as this was a medical emergency situation; then came the federal arrest warrant.

We half believed the story about the guy in the hoody and half believed that he was hallucinating. After finding out about the carbon monoxide, it looked like it wasn't real, and he was hallucinating. We just found out that courts now have to take autism into account, and so we started reading the transcript from the federal court, and it all is making more sense that Brian really did see that guy in the hoody that night. He still talks about it and that he felt like he was drugged. He still has and had that night brittle insulin dependent diabetes, seizure history, autism first diagnosed in 1992 or 1993 as PDD, then autism in 1994, OCD, etc. Then 4 months after this happened, we found out he and his mom had been exposed to carbon monoxide for 11 months. We were all emotionally upset and confused.

Now after reading the transcript again, we realize just like the federal case of child porn, he was set up, and the people who did that in NC in 2012 admitted to him and his friends of doing it and have threatened Brian of doing other things to make sure he stays on the sex registry, threatening harming or killing him, threatening to set up attorneys who represented him, his friends and his family. We shared that information with you earlier and where to find these on the Federal court records in 2015. They no longer can send these to Brian's email or phone text, but his mom was getting weird greeting cards from Dec. 2017 until May, 2018 & a threatening letter in May, 2018 through the mail. Brian has made sure copies of these threats are in the federal court record and are dated, and we have shared this with locations to the court and other interested parties. We follow our Bible which says "Fear Him who is able to destroy both the soul and body. Fear not them which kill the body but are not able to kill the soul".

We know this needs to be investigated, and Brian needs to be acquitted and removed from the sex registry as he was a victim and did nothing wrong. We just wrote another document with photos of him with his camera bag that he takes with him when he & his mom go on hikes and when he goes with us on various trips and outings. In all (and thousands more we have) he is carrying a black or grey camera bag, a black camera and either has no cap or is wearing a baseball cap – no stocking cap. I own a pink camera (in a different home) and his mom used to own a pink camera, so his having a pink camera while out at night at a time that we were aware his autism had gotten worse, and we found out later that he was exposed to carbon monoxide didn't make us suspicious of a set up. Now thinking about everything and never seeing Brian holding a pink camera realizing that was not his back pack; he does not wear stocking caps, he did not have his camera bag that night. What really got to us was the set up with the pink camera – his name inside as the author. I just downloaded one of these forms "**U.S. PROBATION OFFICE MONTHLY SUPERVISION REPORT FOR THE MONTH OF"** which means anyone can download this and set you up, but it would be someone who knew that Brian was on probation and wrote all of those threatening emails & text. You can download one too at this website:
https://www.vaep.uscourts.gov/sites/vaep/files/Monthly_Supervision_Report.pdf

We submit the photos of Brian to the court because this is our proof that Brian's camera was black – not pink – Brian always carried a large camera bag with him when hiking or visiting various places. He wore a regular baseball cap, not a stocking cap. These photos of him were taken 10 days before his arrest (some were taken before 2018 and others after September, 2018. We can see where Brian in confusion could pick up a different camera than he uses, but we can't see him having nude photos, probation monthly report in it with his signature out walking by himself for miles in the middle of the night, no emergency supplies, and the police gets a phone call, arresting him right away and no

investigation, etc. That part is a setup as well as that not being his backpack, and Brian wore baseball caps not stocking caps. Top this off with a phone call to the police, no investigation & no body cam for the court. They arrest Brian right away and lie on the police report saying he was medically and mentally clear. With that, I want to share this letter with you. I had forgotten Brian told us more than once they knew his mom's name. I thought if he met a guy in a hoody, there is no way they would know who he was. I was wrong because the camera that he never uses shows his name so there's no way he accidently picked up another camera that night. I will share that letter he sent to me with his approval, then take you to the NC Federal court records so you can see for yourself what he had to say.

1/5/2019

BRIAN HILL (0021123) View All
Western Virginia Regional Jail
Saturday, January 5, 2019 10:11 PM

I discovered that the new Petition for Warrant or Summons for Offender Under Supervision (PROB Form 12C) was filed under sealed, some Memo to the Clerk as well on 11/13/2018. That was in response to my Motion under Document #154, and Document #155 came on on 10/29/2018.

Response to my Motion to continue Supervised Release was due by 11/16/2018. The petition for my arrest that was sealed was filed on 11/13/2018 likely in response to my motion referring to what the guy in the hoodie did to me.

Grandma this may be Obstruction of Justice, and other crimes.

They were made aware of the guy in the hoodie threatening to have me get naked, I said it under Oath, their response was the Warrant for my arrest Documents 156, 157, and 158.

Grandma this is retaliation by the U.S. Probation Office in Greensboro and Assistant U.S. Attorney THUG Anand Prakash Ramaswamy. We need to tell the FBI about this. This is evidence of retaliation and selfish misconduct to cover up what really happened.

******* On this letter he sent to me on 1/5/2019 & to the court, he said that the guy told him that his mother, Roberta Hill would be killed if Brian didn't do that. Brian kept telling us "But the man in the hoody knew mom's name". He was near the Piedmont Community Services. Was Brian aware that he needed help or was he drugged and carried to that location? Was Brian in any shape to actually take photos of himself that night or did someone else take these photos? Who was this guy in a hoody who knew Brian's mom's name and handed him a pink camera with his name in it and a copy of this probation form that anyone can obtain from the Internet? Is it possible that the guy & others went in Brian's house and carried him down town? Brian said he kept his door unlocked because he was afraid and didn't feel safe in his home. Was this because he had been exposed to carbon monoxide for months? None of us knew about the carbon monoxide until 4 months after his arrest. Was there one person or more involved? ***** Look for red when I put Brian's descriptions after you read his letter. They will kill your mother Roberta Hill. Sounded like a white guy. I am a victim of a crime".**

In The United States District Court
For The Western District of Virginia

United States of America, Plaintiff,	Criminal Action No. 7:18-MJ-00149
V.	
Brian David Hill, Defendant,	

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
JAN 24 2019
JULIA C. DUDLEY, CLERK
BY: DEPUTY CLERK

Declaration

I am Brian David Hill and I am currently at the Federal Correctional Institution 1 in FCC Butner, North Carolina. I am aware that I am currently being evaluated for competency to assist my Counsel in my defense to the Supervised Release Violation charge referenced in charging Documents in Document #1.

On late night September 20, 2018 between 11:00PM to midnight, I was walking around the warehouse that is right at the entrance of downtown Martinsville, near the building of Piedmont Community Services located at 24 Clay Street in Martinsville, Virginia. ~~When~~ The Dick and Willie hiking trail and a road beside that trail is beside that big warehouse. A man wearing a dark colored hoodie waved his hand to get me to go over to the trees that is beside the hiking trail, I think

they were pine trees. He told me as soon as I got close to him that "You will get naked in public, walk on the Dick and Willie trail, find a spot to take pictures of yourself then place the camera or SD card at the bench after Southern Finishing factory, if you do not do this they will Kill your mother Roberta Hill. Do you understand?". I responded with "yes, I will do it, please don't Kill my mother." He said "go and do it or else". He was between 5ft and 6ft, slim, wore a hard mask, sounded like a white guy, maybe 160lbs.

I had filed Status Reports, Declarations, and other pleadings after what had happened and told the U.S. District Court in Greensboro, North Carolina about what happened. In case no. 1:13-CR-435-1, Middle District of North Carolina, the Court should review Documents #152, #153, #154, #155, #161, #162, #163, #164, and #165. I had also written letters to my supervising United States Probation Officer ("USPO") Jason McMurray about what happened and how I emotionally had felt about it while I was incarcerated in Martinsville Jail.

I had also written to the Virginia Attorney General about what had happened in multiple letters, the last one dated January 17, 2019 with Certified mail tracking no. 7018-1130-0000-8936-6214. I have been honest with them, the Court, and my Probation Officer about what had happened on September 20-21, 2018. I have been respectful with USPO McMurray and I have been compliant with him. I am a victim of a crime on Sept. 20-21, 2018. The Supervised Release Violation came from my technical charge of indecent exposure in the Martinsville, Virginia Court system on September 21, 2018 at 55 West Church Street, and with the case no. C18-3138. I am confident that I can be found innocent by bench trial (trial de novo) in the Martinsville Circuit

"I am a victim of a crime on Sept. 20-21, 2018".

REVIEWING what Brian wrote to the court on 10-17-2018 (DOCUMENT #153 sent to Middle District of NC case #1:13-cr-00435-TDS). He felt like someone was watching him while he was mowing the yard on 9/18/2018 between the hours of 1-4 PM. He was talking on a talk show on 9/19/2018 about his federal case and the Americans with disabilities act. On 9/20/2018 some of his memories had been blocked out. He was under stress & anxiety. He was keeping his apartment doors unlocked, was psychologically afraid to sleep on his bed, sometimes sleeping on the couch and had a bad feeling that something bad was going to happen to him. Page 3 of 11: He had gone to a resort in Western Virginia in his own district a few days before and did not want to come back to his house. We present to the court photos of him on 9-12-2018 taken 9 days before the arrest date of 9-21-2018. He explained "As if something was terrifying in my psychological mind, and I haven't kept my door or doors locked". While at his house, he kept his doors unlocked according to document 153. He left his house at abt 11 to go walking beside the road on the sidewalk. He walked to the Dick & Willie Trail (miles from his home) and about 11 to 12 midnight he met a guy in a hoodie near a warehouse who told Brian to remove his clothes and take photos of himself and leave the SD card on the nearby bench. He said the guy was probably white, 5 to 6 ft tall. This guy told Brian if he didn't do this, he would kill Brian's mother and named his mother. Brian thought he might have been drugged.

(NOTE from Brian's family: Brian always took his camera when he left the house to go walking, took many nature photos and liked to take photos of old factories. He had never taken any photos of himself and did not want anyone in his photos. This is the first time he had ever left the house by himself and first time he has walked around at night for miles away from his home. NOTE: Later we found out that was not his camera, not his stocking cap and not his back pack. His clothes were in the backpack. Brian has autism. Brian is a brittle diabetic who takes several insulin shots per day, and he has seizures when his glucose goes too low. Walking a lot causes his glucose to go very low. He needs someone with him at all times when he is walking. Brian's family found out that he was exposed to carbon monoxide for about a year in his apartment 4 months after his arrest on September 21, 2018. His description leading up to the guy in the hoodie is the description of someone exposed to carbon monoxide. Then again he could have been set up & drugged. He did not have his camera bag that night. He always takes his camera bag with him and his black camera as well as his emergency supplies. According to the hospital records, his pulse stayed over 100. The hospital records did not show his glucose which meant they did not check to see what this insulin dependent diabetes' glucose was. We had a cousin on insulin who went to visit a neighbor with her husband. When they came home she took her coat off and was in her living room in the nude with her sons right there. She was explaining to us about the glucose lows after we found out about Brian in 1992.

On this website: https://www.centralhtg.com/blog/carbon-monoxide

SYMPTOMS & SIGNS of CARBON MONOXIDE poisoning: Aggravation of preexisting diseases: During the year that Brian was exposed to Carbon monoxide in his apartment, he had a bad fall one night requiring stitches, and he had 2 seizures another night. His OCD routines (showers & hand washing) were now lasting twice the amount of time than they were before the exposure to carbon monoxide (instead of 2-4 hours per day, it was now requiring 6-8 hours). He & his mom were

complaining to grandparents that they were both extremely tired and having a lot of headaches. Brian kept complaining that he was forgetting things and couldn't think straight. The night he left the house on Sept. 20, 2018 is an autism symptom that he had never displayed before as an adult: Wandering away from home. See the 2 page paper next about children and adults wandering from home:

http://www.in.gov/legislative/interim/committee/2012/committee/minutes/AUTIF88.pdf

This document "Indiana Comprehensive State Plan for Individuals with Autism" by the Indiana state government of representatives and medical staff and was written in August, 2012 will explain more. On page 6-7 of the PDF link above (1-2 on the pages we printed) entitled: *Plan Your Response for an Autism Emergency by Dennis Debbaudt* 2012 Autism symptoms are similar to Alzheimer's disease and dementia. Make sure the court sees Brian's Virginia permanent disabled parking placard with his name and address number P01307266 that was issued on 8/3/2016 and is clearly marked "Has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to an autism spectrum disorder;

https://www.courtlistener.com/docket/4304407/152/united-states-v-hill/

United States *v.* HILL Status Report — Document #152 District Court, M.D. North Carolina Docket Number: 1:13-cr-00435 Date Filed: October 3rd, 2018

"Does Martinsville Police understand that lying to a Federal Officer is a federal crime?" – referring to what Sgt. Jones said to Brian's probation officer. I guess there are dirty cops in Martinsville too". I again promise my mother that that incident will never happen again."I was threatened" "I don't trust MPD police liars. I want FBI involved, please". Please read these. Thank you.

Motion to Appoint Attorney — Document #153 District Court, M.D. North Carolina Docket Number: 1:13-cr-00435 Date Filed: October 17th, 2018

https://www.courtlistener.com/docket/4304407/153/united-states-v-hill/

This one is on Page 3-4 in this letter document. He thought someone was in his back yard watching him as he was mowing: 9-18-2018. "I called into a political talk show after I was invited on Blog Talk Radio on 9-19-2018". "Talked about the Americans with Disabilities Act. One woman said if I had an IEP when I was in school, then they can or might get in trouble the way it was handled regarding my criminal case". Brian was under that IEP the entire time he was in school due to diabetes, seizures & autism, and had a one on one assistant the entire time he was in school and was sent to Amos Cottage (a part of the Winston Salem, NC hospital) for an entire month when he started Kindergarten in 1995. "On Sept, 20, 2018 some of my memories have been blocked out. My mom had also noticed that my doors were not beng kept locked. I was psychologically afraid to sleep in my bed. Sometimes sleeping on the couch and I had a bad feeling that something bad would happen to me. Went to resort in my district, and my family noticed that I didn't want to go back home. And I haven't kept my door or doors locked. This is why I wonder did he actually walk by himself downtown OR did someone come to his apartment, drug him & removed him from his apartment? I asked his mom if his doors were unlocked. She said a few times she would check them & they were unlocked. It all has been sounding to me like autism that we all know had gotten worse,

especially after finding out about the carbon monoxide. Sometimes Brian communicates very well, and other times you have to listen, be patient to figure out what he is saying, but I wonder if he even really knows what happened. Was he really drugged? He did say that he only remembers certain parts about that night, and I'm now thinking there was more than one person involved and the same people who had been involved since 2012. Am I wasting my time here? Will all of our proof be ignored here just like it has been since 2012? This is a long article to read so I won't type anything more from this page. He's now talking about being downtown & the guy in the hoody and the walking trail he was on all night. He did say "At one point I felt like I might collapse so I may have been drugged. I had a feeling it had something to do with my case, the threats from tormail.org, messages that were successfully carried out. When he realized they were police, he said "I have autism" over & over. He told the police that he was attacked. " I told Jones that I need to talk to a detective". Brian explained later about the threats he & his mom had received. "I was set up with the sex crime of indecent exposure just like the 2013 tormail said would happen". "I'm sorry, Mom, I was scared and didn't know what to do". "I am tired of feeling afraid for my family and my life. It's tearing me apart". "Let me prove my innocence. I have facts of innocence. Let me prove it. People with autism can be manipulated easily, threatened, abused".

Motion for Miscellaneous Relief — Document #154 District Court, M.D. North Carolina
Docket Number: 1:13-cr-00435 Date Filed: October 24th, 2018

https://www.courtlistener.com/docket/4304407/154/united-states-v-hill/

You can read the other things that Brian submitted to the court about that night. I have put links here from court listener to make them easier to find, or you can find them on Pacer too. The federal court in the Middle District of NC has connected 2018 to 2015 and the set up in 2012. All of this needs to be investigated including all of the threats which Brian, his family, friends & and some court appointed attorneys from NC have received documented in federal court records (from 2012-2018) as well as his family's & autistic advocates' proof from their personal investigation in January, 2022. These threats have been sent to NC, VA and others states using email, phone text and the US Post Office, and it looks like in person attacks in Martinsville, VA in 2018. Remember these setups are being aimed at a young adult who loves God, his family and his country and has autism and many other disabilities.

Document 155:
https://www.courtlistener.com/docket/4304407/155/united-states-v-hill/

Document 161
https://www.courtlistener.com/docket/4304407/161/united-states-v-hill/

Document 162
https://www.courtlistener.com/docket/4304407/162/united-states-v-hill/

Document 163
https://www.courtlistener.com/docket/4304407/163/united-states-v-hill/

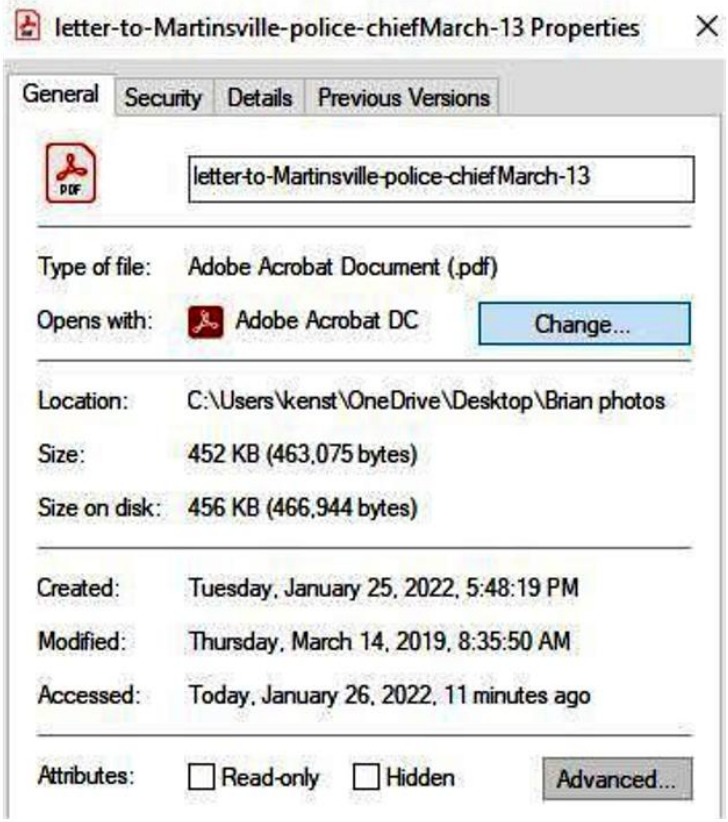
Document 164
https://www.courtlistener.com/docket/4304407/164/united-states-v-hill/

Document 165

https://www.courtlistener.com/docket/4304407/165/united-states-v-hill/

I am now going to put my name, email address, phone number and mailing address. I want to let those real criminals, guilty people who have been putting Brian and his family under mental torture since 2011 and deceiving all courts, there is a God in Heaven who is watching you and seeing all, and the day of His judgment is coming. You need to come clean, ask for forgiveness and turn yourself in to the police and courts. If you try anymore attempts to hurt Brian or his family in any way, people in authority will be contacted because now the courts do recognize autism as a defense, and it is covered under the Americans with Disabilities Act for years. Brian and his family will fight you all of the way. We don't fear you and will come back to fight in the US legal ways with the help of Almighty God.

We all live in the city of Martinsville, VA. If we can't go to the police or to the police chief for help, where do we go to in case of emergencies? Brian wrote to him more than once. We sent this 2 page letter to him in March, 2019. He ignored it and us and Brian and never contacted any of us. The next 3 pages will be a copy of the letter we sent to the Martinsville police chief in PDF form in 2019. Brian will include the US mail receipt we gave him. This is a copy I obtained from our PDF:



To the courts: During this investigation, we are willing to help with the investigation and answer any questions, but please help our disabled grandson who is innocent and really does try to obey all laws. We have put some of his photos in this court (with his approval) as well as some of his USWGO video links just to show you who Brian really is and not how the court since 2013 have portrayed him to be. He needs to be removed from probation as well as the sex registry which is supposed to be to warn all of us to be alert about those who are guilty

and not for an innocent person with autism who has never committed any sexual act to hurt anyone, remains a virgin at the age of 31, doesn't drive and has to have a medical assistant with him at all times due to his many disabilities even someone to check his blood glucose in the middle of the night.

Thank you so much for reading everything we have sent to this court in January, 2022 after we have learned more in the new Virginia law about people with autism in the court system. Please help our grandson get his life returned so he won't have to continue fighting and sending things to the courts. He has lost 10 years of his youth because of this. He has no intentions of suing anyone because he just wants his freedoms returned to him as they should never have removed them in the first place. Thank you in advance. If you want me to resubmit this with a notarized signature, just let us know.

Stella Forinash

Email: kenstella@comcast.net

Phone: 276-632-2599

Mailing address: 201 Greyson St., Martinsville, VA 24112

EXHIBIT 26
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Monday, January 31, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

March 13, 2019 Martinsville, VA Police Department

Mr. G. Edward Cassady (Martinsville, VA police chief),

We are citizens of Martinsville, VA and before September, 2018 had nothing but good things to say about our police department. We felt that we were living in a good city (town) that we could trust our police department. Our grandson, Brian David Hill had a terrible encounter with a police department in North Carolina and was set up with child porn on his computer in 2012. He moved to Martinsville, VA in 2012 and refused to ever go back to his home where he had lived for over 7 years. He is on the sex registry due to this federal charge and is under probation. We have the proof beyond a shadow of a doubt that he is innocent and never viewed or knowingly downloaded child porn. We couldn't afford the $300,000 it would take to defend him in court, so he was appointed an attorney who ignored all of our proof at the time and talked Brian's family into telling him to take the guilty plea so he could get out of jail and come home under probation. Not knowing what else to do, we talked Brian (who was innocent and fighting this all the way to prove his innocence) to say "guilty". By 2017 we had all of the proof of his innocence, still could not afford an attorney and no one came forth pro bono, so our entire family submitted Brian's 2255 to the federal court in NC in November, 2017. Anyone who would take the time to read this and look at all of the proof would know that he is innocent.

We are still waiting for an answer from the court 16 months later, and Brian was still on probation at the time of his encounter with the Martinsville, VA police department. Brian has brittle type 1 diabetes requiring insulin shots and blood tests several times a day and at night which causes his blood glucose to go way up and way down each day and has had this since he was one year of age in 1992. He has had seizures since he was 2 years of age, has had PDD and autism diagnosed since he was 2 years and 4 years which required legal documents each year in school. He has had severe OCD and anxiety since the age of 12. A few months ago he had 2 seizures in one night so his mom started getting only 6 hours of sleep a night to check his blood glucose sooner and hopefully avoid anymore seizures.

This encounter that happened to Brian in September was not like Brian at all. Being in the nude in public and taking photos of himself is something he has never done. He has never left the house by himself day or night to go out walking by himself. What was really strange is that this was at night, and he was alone and miles from his home and was confused. Brian has never driven a vehicle because his blood glucose goes down fast causing insulin reactions or seizures. He is very intelligent. He can go for weeks not even acting like he has autism, and then there are other days that he is not in the world and is totally autistic. We never know what each day will present. He has been on the Virginia medical waiver which requires 40 hours of paid assistance each week since 2012 and on SSI disability since February. 1992 when he was 21 months old. Really he requires 24 hours of assistance, and what happened in September is proof of that. REACH (autism in VA) and the Piedmont Community Services will be involved in his case when he is released from jail, and they are working on an emergency DD waiver (for his developmental disability – autism spectrum disorder) for him because he needs a lot more care than his family can give. We have never known Brian to hallucinate, but when he described

what happened, it sounded at first like it was an hallucination, but he still to this day says that guy in the hoodie who sounded like a white guy was there, threatening his mom and told him if he didn't get in the nude, he would kill his mom, so Brian did all of this to save his mom's life. He was alone without his family to help so didn't know what to do and without thinking at all just did everything that guy told him to do. This presents more questions: Did the police make any attempt at all to see if there was a guy in the hoodie around the Martinsville trails? They did the right thing to take Brian to the hospital. Did the hospital check to see if there was anything like carbon monoxide in his system or anything that would cause him to act in such a bizarre way? The Martinsville Hospital should have on record that he has autism, brittle diabetes, seizures, anxiety and OCD as he was a patient in the hospital in December 2013. They should also have on record where he had a bad fall a few months before this, and they put staple type of stitches in his forehead. He should have been admitted to the hospital and given a better examination. If this had been an elderly person with dementia or azheimers, would this person have been arrested? How much training does the Martinsville, VA police department have dealing with someone younger with autism? Due to this arrest, it was considered a probation violation, and Brian is at Butner in NC right now for almost 2 months having a federal court order examination.

Please show some respect for this young, disabled citizen of Martinsville, VA and reply to the 2 (and now 3) letters that he has sent to you asking to give a copy of the body cam footage to his court appointed attorney as he is fighting these charges in court. He told the police that he has autism and told you the same thing twice in letters. We have made a copy of his disabled DMV card with the autism information of a permanent disability which can cause confusion and the episode that happened to him in September, 2018. We have retyped his letter to you so we can have a typed copy, and we're sending his hand written request in this letter. He will be leaving Butner about March 25, so please respond as soon as possible. He has been waiting almost 2 months for your response and has sent that to you twice and was very respectful.

Sincerely,

Brian David Hill's grandparents

Enclosed 10 pages plus this letter – please respond to Brian David Hill at the address he provides before March 25, 2019. We have copies of all 12 pages in this envelope and are making sure that someone in this police department signs for it and have tracking information as well, and it is addressed to you. Thank you.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G E CASSADY, CHIEF OF POLICE
55 WEST CHURCH ST
MARTINSVILLE, VA 24112

9590 9402 3915 8060 4856 85

2. Article Number (Transfer from service label)

7018 1830 0001 9309 1586

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) | C. Date of Delivery: 3/18/19

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

7018 1830 0001 9309 1586

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MARTINSVILLE, VA 24112

OFFICIAL USE

Certified Mail Fee	$3.50
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	$0.00
☐ Return Receipt (electronic)	$0.00
☐ Certified Mail Restricted Delivery	$0.00
☐ Adult Signature Required	$0.00
☐ Adult Signature Restricted Delivery	$
Postage	$1.30
Total Postage and Fees	$7.60

0362 13

MARTINSVILLE, VA 24112 Postmark Here MAR 14 2019 USPS 03/14/2019

Sent To: G E CASSADY - CHIEF OF POLICE
Street and Apt. No., or PO Box No.: 55 WEST CHURCH ST
City, State, ZIP+4®: MARTINSVILLE, VA 24112

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

USPS TRACKING #

9590 9402 3915 8060 4856 85

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United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

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☐ Return Receipt (hardcopy)	$ $0.00
☐ Return Receipt (electronic)	$ $0.00
☐ Certified Mail Restricted Delivery	$ $0.00
☐ Adult Signature Required	$ $0.00
☐ Adult Signature Restricted Delivery	$
Postage	$1.30
$	
Total Postage and Fees	$7.60
$	

0362
13

MARTINSVILLE, VA 24112
Postmark Here
MAR 14 2019
03/14/2019

Sent To
GG CASSADY - CHIEF OF POLICE
Street and Apt. No., or PO Box No.
55 WEST CHURCH ST
City, State, ZIP+4®
MARTINSVILLE, VA 24112

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

MARTINSVILLE
1123 SPRUCE ST
MARTINSVILLE
VA
24112-9998
5156520362

03/14/2019 (800)275-8777 11:38 AM

Product Description	Sale Qty	Final Price
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Return Receipt (@@USPS Return Receipt #) (9590940239158060485685)	1	$2.80
Total		$7.60
Cash		$7.60

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YOUR OPINION COUNTS

EXHIBIT 27
for

EVIDENCE FOR
BRIEF AND THE PETITION IN SUPPORT OF BRIAN DAVID HILL'S PETITION FOR A WRIT OF ACTUAL INNOCENCE BASED ON NONBIOLOGICAL EVIDENCE

Brian David Hill v. Commonwealth of Virginia, City of Martinsville
CASE NO: _____

Prepared: Monday, January 31, 2022



JUSTICEFORUSWGO.WORDPRESS.COM

We wanted to show you various photos of Brian with his black camera bag, black camera & baseball hat through the years on 1/26/2022.

File info

Filename
Mountains in VA 5-24-2018 (17)

Date taken

May	24	2018
3	49	PM

Size
3.5 MB

Dimensions
3648 x 2736

Shot
1/250 sec. f/3.2 4 mm

ISO
100

Device
WB250F/WB251F/WB252F

Folder path
F:\Copies in July 2019\Virginia\Blue Ridge Pkwy in VA \Printed photos
Open folder



5-24-2018 Brian with his black camera bag – black camera – baseball cap.

File info

Filename
Shenandoah County, VA 9-12-2018 (136)

Date taken

September	12	2018
2	34	PM

Size
3.5 MB

Dimensions
3648 x 2736

Shot
1/20 sec. f/3.2 4 mm

ISO
800

Device
WB250F/WB251F/WB252F

Folder path
E:\Shenandoah County, VA Sept 2018
Open folder

Source
This PC



Brian – Note black camera bag 9-12-2018 & baseball cap.

This photo was taken 9 days before the police arrested him.

File info

Filename
Shenandoah County, VA 9-12-2018 (112)

Date taken

September	12	2018
1	58	PM

Size
3.5 MB

Dimensions
3648 x 2736

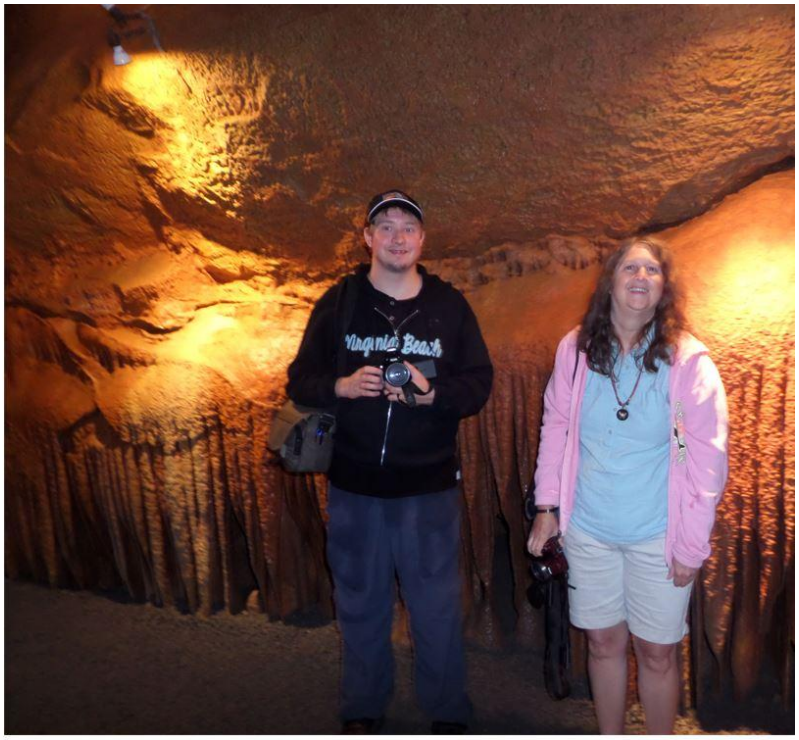
Shot
1/6 sec. f/3.2 4 mm

ISO
400

Device
WB250F/WB251F/WB252F

Folder path
E:\Shenandoah County, VA Sept 2018
Open folder

Source
This PC



Brian with his mom 9-12-2018 Note black/grey camera bag & black camera & baseball cap

File info

Filename
Shenandoah County, VA 9-12-2018 (237)

Date taken

September	12	2018
3	04	PM

Size
3.4 MB

Dimensions
2736 x 3648

Shot
1/8 sec. f/4 10.2 mm

ISO
800

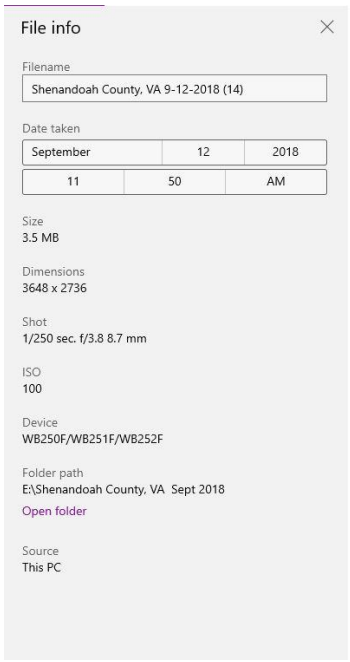
Device
WB250F/WB251F/WB252F

Folder path
E:\Shenandoah County, VA Sept 2018
Open folder

Source
This PC



Brian on 9-12-2018 Note the black/grey camera bag & black camera & baseball cap





Brian & his mom in New Market, VA 9/12/2018 Note black camera & baseball cap

Brian arrested on 9/21/2018 – pink camera – no camera bag – not his black camera - wearing stocking cap – no baseball cap – back pack his mom did not recognize – wearing no clothes – has no emergency supplies for brittle diabetic, who has severe seizures when glucose goes low and needs insulin at all times for shots when it's too high – no glucose monitor - no hand sanitizer for his OCD – out by himself all night only time without his mom/caregiver – is threatened - thinks he's been drugged – no blood test at hospital not even for an insulin dependent diabetic – no investigation by police – no body cam for court. Was this a set up & by whom? Perhaps the person or people who have threatened him for years & admitted setting him up in 2012? Court records show child porn was downloading for months while in the hands of NC police & SBI after the local Mayodan, NC police removed it from the Hill's home. No investigations have been done for either case. Criminals going free while the victim is punished. Courts ignoring all of his disabilities including autism. (His disabilities are all invisible, but all are well documented). Two police departments and all courts ignoring Americans with Disabilities Act. Correction: Federal court in Roanoke, VA did show respect & concern. There will be 2 more proofs in addition to this one. One – copy of a letter Brian's grandparents sent to Martinsville police chief in 2019 asking for the body cam to be given to his attorney which he ignored and didn't answer us & document proof from what Brian sent to court begging for an investigation & explaining about that night right after the police arrested him without doing an investigation and ignoring the "**Americans with Disabilities**" laws.

BRIAN CAME HOME ON MAY 14, 2019

Carbon monoxide is no longer in their house, Brian's ceiling & wall around his fireplace has been repaired.

Brian quickly went to work fighting to prove he is innocent in both cases.

We have thousands of photos of Brian from birth until 2022. I did notice that he has had a black or grey camera bag every time he is on an outing from at least 2004 (14 yrs old) and carried a white or grey camera. In 2008 (at the age of 18) he was carrying a black camera and a black or grey large camera bag. We took Brian to Kentucky in Dec, 2019 knowing he was innocent, knowing about all of his disabilities so he could walk by himself to turn himself into prison, We then headed for home, all 3 of us feeling depressed. We were half way home when we got a call to come and get Brian as he was being released. They said he had already served his time. Roberta called his probation officer who

thought they had made a mistake. We waited at this gas station until he called us back and told us to go and get Brian. We picked Brian up, and he quickly tested his glucose and gave himself an insulin shot, we ate then we spent the night in a motel, all of us so happy, then since we were close to the Ark, we went there to celebrate. His black camera bag and black camera were in the car.

Date taken

December	8	2019
7	10	PM

Size
99.4 KB

Dimensions
886 x 653

Shot
--

ISO
--

Device
--

Folder path
F:\All Photos\2019
Open folder

Source
This PC



File info

Filename
Charlottesville 12-20-19 (S) (3)

Date taken

December	20	2019
12	25	PM

Size
1.6 MB

Dimensions
2576 x 1932

Shot
1/10 sec. f/1.9 2.47 mm

ISO
1000

Device
SM-S327VL

Folder path
E:\Computer Back Ups 2020\HP Win 10 HP Laptop 17 - 5CG9176FGL(K)\Pictures\Pics from Stella's Camera
Open folder

Source
This PC

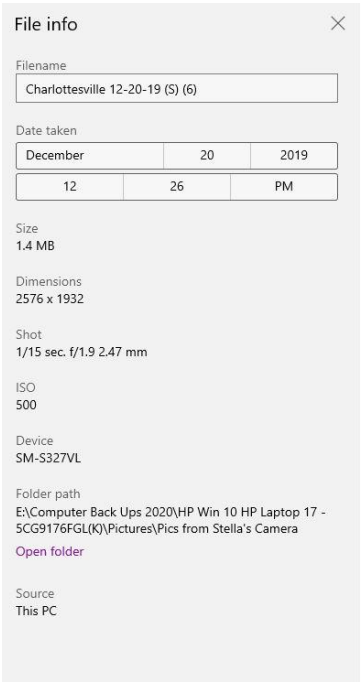


Christmas in 2019 was special for all of us because Brian was with us. Black camera, camera bag & baseball hat.

AND we met a nice lady who took our picture.

Dec. 20, 2019 Brian with his black camera bag, black camera & baseball hat wearing clothes and happy, As we said before, you will never see him in any of our thousands of pictures carrying a pink camera (All black like Johnny Cash), nor wearing a stocking cap. He wears a baseball cap or no cap. That was not his backpack and in all photos, he is

wearing clothes. Either his mom, grandparents or someone else is taking photos of him. We have never seen any "selfie" still photos by him.





I did want to share four more photos and some of his (USWGO's) video links before the child porn set up in 2012 when he was 22 years old just so you know more about who Brian really is, not how certain people are portraying him to be.





2009 Black camera, black camera bag, baseball cap 2021





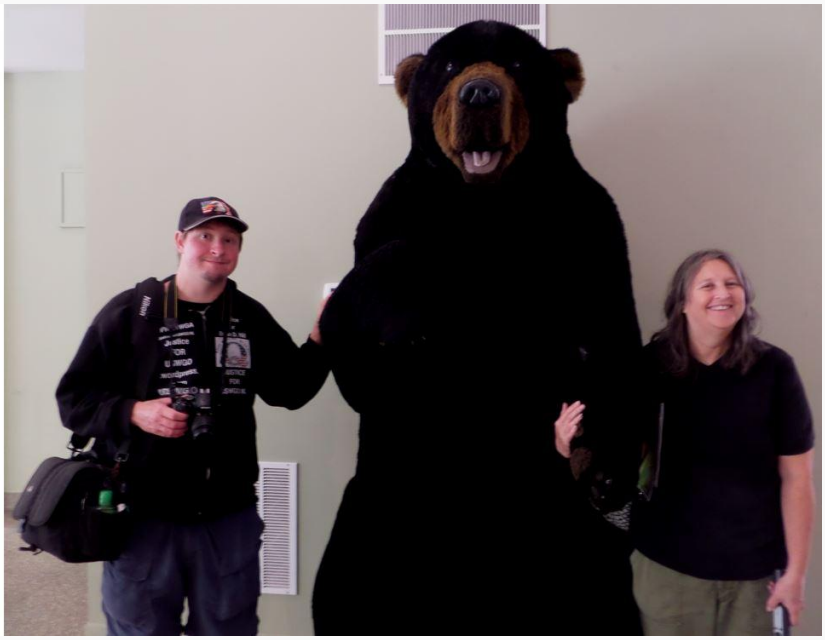
Again, this is Brian (USWGO) in 2011 in Washington DC - black camera bag – black camera

Some of his YouTube video links, years & his age at the time beginning with the photo above

https://www.youtube.com/watch?v=UehFu44dHL0

(USWGO)Brian Hill interviews Occupy DC Protest activist - 353 views - Oct 25, 2011





https://www.youtube.com/watch?v=unDdlVXwM1w

Stop and smell the flowers - USWGO Photo Slideshow - 1,551 views - Apr 24, 2009

https://www.youtube.com/watch?v=fqWfj84fdHQ

528hz sound with relaxing water crystal pics-10 Min extension - 18,829 views - Sep 16, 2009

https://www.youtube.com/watch?v=uI7gkIDrscQ

Patty Waszak - Proud to be an American - 1,839 views - Jul 29, 2010

https://www.youtube.com/watch?v=Z7nuC183bVs

Cherokee Indian Powwow Dance recorded by USWGO Press - 1,767 views - Jul 31, 2010

https://www.youtube.com/watch?v=JUX1QPqdgd4

USWGO Righthaven lawsuit makes WXII12 Triad News - 794 views - Feb 23, 2011

https://www.youtube.com/watch?v=MgIUkmsMPI8

USWGO Righthaven lawsuit makes WGHP FOX8 Triad News - 1,456 views - Feb 23, 2011

https://www.youtube.com/watch?v=7NI8oVGOJRI

USWGO Jim Tucker Interview July 2nd 2011 by Brian Hill - 2,390 views - Jul 5, 2011

Pause on USWGO Videos. Here are some articles where Reporters without Borders got involved:

https://www.westword.com/news/reporters-without-borders-letter-faults-denver-post-for-righthaven-suit-against-brian-hill-5839963

https://www.westword.com/news/brian-hill-autistic-blogger-reboots-site-shares-plan-to-avoid-new-righthaven-copyright-lawsuit-5900894

Brian had some very good lawyers who tried to help him. The Federal Judge put a stop to the Righthaven's law suits, all law suits!

https://lasvegassun.com/blogs/business-notebook/2011/mar/22/pr-problem-widens-righthaven-nc-bloggers-demand-at/

I wrote this article in the Justice for Brian website which his friends started and have been working on to fight for justice for an innocent man with autism who was set up with child porn (virus) on his computer in 2012.

https://justiceforbrianhill2.wordpress.com/2020/10/03/justice-for-brian-d-hill/

https://www.youtube.com/watch?v=-jhFHw5jYRA

Carl DeHart about Hitler rising to power through economic crises - 617 views - Oct 7, 2011

https://www.youtube.com/watch?v=avZl0FODB9U

America: From the Road of Freedom to the Streets of Fascism HQ Full Length 3,512 views - Jan 1, 2012

https://www.youtube.com/watch?v=bpP14GKvMxs

World Government isn't coming, it's already here! - USWGO Special Report Episode 1 2,935 views - Jan 30, 2012

https://www.youtube.com/watch?v=KzaKWJVL6Gw
Chaos;HEAd anime talks about mind control and mind reading! - 2,905 views - Nov 27, 2011

https://www.youtube.com/watch?v=oATdPEexF34
USWGO Interview with Dr. Michael Coffman March 8 2012 Agenda 21, ICLEI, etc etc. 765 views - Mar 9, 2012

https://www.youtube.com/watch?v=e-EYv1PeouU
Agenda 21 Speech at the Mayodan Town Council meeting - 1,276 views - Mar 12, 2012

https://www.youtube.com/watch?v=xClcoYa9AAQ
USWGO Brian D. Hill makes a speech on the NDAA at the Mayodan Town Council April 9th 2012 - 114 views - Apr 10, 2012

https://www.youtube.com/watch?v=sxooThGOMTw
Nullify-NDAA Petition and Report given to NC Senator Phil Berger - 770 views - May 15, 2012

https://www.youtube.com/watch?v=MtUtvFqm5y4
USWGO Exclusive Interview Interview with Elton Crisman on P-Code - 265 views - May 16, 2012

https://www.youtube.com/watch?v=HN88NKknKI8
USWGO Interview with Virgil Goode May 26 2012 - 897 views - May 27, 2012

https://www.youtube.com/watch?v=Gau-QgLBhEg
Reporter forced back by Mayodan Police for asking Senator Phil Berger a question - 1,653 views - Jul 10, 2012

It wasn't long after this that Brian was set up with child porn which was a virus someone put on his computer. He had a great interview with Patrick Henry Jolly (5th great grandson of Patrick Henry) who gives the "Give me Liberty or Give me death" speech at Red Hill, VA on July 4, 2012, but Brian got upset after what the police did on July 10th then after that, there were viruses on his computer that he was fighting, then the police raid where they got all of his & his mom's photos & videos which included his USWGO articles and interviews. I'm not that good at taking videos like Brian is, but I thought this message needs to be put on the Internet. I enjoyed hearing what he told Brian.

https://www.youtube.com/watch?v=h9zQMuTiV4g
Brian Hill (USWGO) preparing to interview Patrick Henry Jolly on July 4, 2012 - 40 views Feb 19, 2017

Note Brian's black camera bag on the ground in 2012.

https://www.youtube.com/watch?v=jZe25wo32ro
Brian Hill (USWGO) interviewing Patrick Henry Jolly on July 4, 2012 - 127 views - Feb 19, 2017

Autism Awareness Month and World Autism Awareness Day

04/01/2019

WHEREAS, autism spectrum disorder is a neurological and developmental disorder that affects communication and behavior; and

WHEREAS, autism is an urgent public health crisis that demands support from all levels of government; and

WHEREAS, symptoms of autism may present themselves in a variety of combinations, and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal and nonverbal communication; and

WHEREAS, the Centers for Disease Control and Prevention reports that one in 59 school-aged children have been identified with autism spectrum disorder; and

WHEREAS, Virginia is committed to ensuring that people living with autism have access to lifelong care and services needed to pursue their full potential and happiness; and

WHEREAS, the Commonwealth is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder;

NOW, THEREFORE, I, Ralph S. Northam, do hereby recognize April 2019 as **AUTISM AWARENESS MONTH** and April 2, 2019, as **WORLD AUTISM AWARENESS DAY** in our **COMMONWEALTH OF VIRGINIA**, and I call this observance to the attention of all our citizens.

Brian Hill
MRN: MM00370912
ACCT: MM7806761243

FOLLOW UP INSTRUCTIONS

Private Physician
When: Tomorrow
Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care

Emergency Department
When: As needed
Reason: Fever > 102 F, Trouble breathing, Worsening of condition

Sovah Health Martinsville

320 Hospital Drive
Martinsville, VA 24112
276-666-7237

7806761243

Emergency Department Instructions for: **Hill, Brian D**

Arrival Date: **Friday, September 21, 2018**

Thank you for choosing **Sovah Health Martinsville** for your care today. The examination and treatment you have received in the Emergency Department today have been rendered on an emergency basis only and are not intended to be a substitute for an effort to provide complete medical care. You should contact your follow-up physician as it is important that you let him or her check you and report any new or remaining problems since it is impossible to recognize and treat all elements of an injury or illness in a single emergency care center visit.

Care provided by: Hinchman, Brant, DO
Diagnosis: Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation

Care provided by: Hinchman, Brant, DO
Diagnosis: Abrasion, right knee; Abrasion of unspecified front wall of thorax

DISCHARGE INSTRUCTIONS	FORMS
VIS, Tetanus, Diphtheria (Td) - CDC Abrasion, Easy-to-Read Knee Pain, Easy-to-Read	Medication Reconciliation
FOLLOW UP INSTRUCTIONS	**PRESCRIPTIONS**
Private Physician When: Tomorrow; Reason: Further diagnostic work-up, Recheck today's complaints, Continuance of care **Emergency Department** When: As needed; Reason: Fever > 102 F, Trouble breathing, Worsening of condition	None
SPECIAL NOTES	
None	

National Hopeline Network: 1-800-784-2433

Below: WHY WOULD A DOCTOR IN AN EMERGENCY ROOM OF A HOSPITAL NOT CHECK THE PATIENT'S BLOOD GLUCOSE WHEN THE HOSPITAL RECORD CLEARLY STATED HE HAD DIABETES, AUTISM & OCD? WHY WRITE ON RECORDS TO SEE HIS DOCTOR THE NEXT DAY KNOWING HE IS BEING ARRESTED INSTEAD OF KEEPING HIM IN THE HOSPITAL FOR MORE TEST? DIDN'T THEY

THINK THAT WAS ODD FOR HIM TO BE OUT ALL NIGHT WALKING AROUND A TRAIL BY HIMSELF IN THE NUDE? The police bring him to the hospital at 4 in the morning, yet the hospital record says "This evening".

EMERGENCY DEPARTMENT RECORD
Physician Documentation
Sovah Health Martinsville
Name: Brian Hill
Age: 28 yrs
Sex: Male
DOB: 05/26/1990
MRN: MM00370912
Arrival Date: 09/21/2018
Time: 04:04
Account#: MM7806761243
Bed ER 9
Private MD:
ED Physician Hinchman, Brant
HPI:
09/21
04:40 This 28 yrs old White Male presents to ER via Law Enforcement with complaints of Knee Pain. bdh
09/21
04:48 28-year-old male with diabetes and autism presents for evaluation after complaining of right knee pain and scrapes and abrasions. Patient was apparently taking pictures of himself in the nude across town this evening and when police attempted apprehend him brain through Briar patch. Patient does report scratches and abrasions to the right knee but no pain on range of motion. Unknown last tetanus.. bdh

Historical:
- Allergies: Ranitidine;
- PMHx: autism; Diabetes - IDDM; OCD;
- Exposure Risk/Travel Screening:: Patient has not been out of the country in last 30 days. Have you been in contact with anyone who is ill that has traveled outside of the country in the last 30 days? No.

WHY DID THIS HOSPITAL ORDER THESE TEST, TAKE BLOOD FROM BRIAN, THEN DELETE THEM? WE DON'T KNOW WHAT HIS GLUCOSE WAS. FOUND OUT 4 MONTHS LATER ABOUT THE CARBON MONOXIDE. COULD SOMEONE HAD DRUGGED HIM? WHY DOES HE HAVE A PINK CAMERA WHEN HE USES A BLACK CAMERA ALWAYS AND HAS FOR OVER 10 YEARS AT THIS TIME? WHY IS HE WEARING A STOCKING CAP WHEN HE ALWAYS WEARS BASEBALL CAPS? WHY DIDN'T HE HAVE HIS CAMERA BAG WITH HIM IF HE WENT THERE TO TAKE PHOTOS OF HIMSELF? WE HAVE NEVER SEEN HIM TAKE SELFIE PHOTOS AS WE HAVE SEEN OTHER YOUNG PEOPLE DO. WHY WAS HE USING A BACKPACK THAT HIS MOM HAS NEVER SEEN AND IS SMALLER THAN THE ONES WE HAVE SEEN HIM USE WHEN GOING ON A HIKING TRAIL WITH HIS MOM? KNOWING HOW SEVERE HIS DIABETES IS, WHY WOULD HE TAKE OFF LIKE THAT AT NIGHT BY HIMSELF? WHY WAS HE IN THE NUDE? AT FIRST WE THOUGHT IT HAD SOMETHING TO DO WITH CARBON MONOXIDE & AUTUSM, BUT THE PINK CAMERA, STOCKING CAP & THE BACK PACK: THEN ADD TO THAT THE CAMERA HAVING NUDE PHOTOS, A PROBATION FORM AND HIS NAME AS AN AUTHOR OF A PUBLIC FORM DOESN'T MAKE ANY SENSE. ADD TO THAT THE POLICE NOT DOING AN INVESTIGATION, THE POLICE IGNORING OUR LETTERS WHEN THEY ARE SUPPOSED TO BE THERE TO HELP THE CITIZENS OF MARTINSVILLE. THEY ARE NOT VOLUNTEERS. THEY ARE PAID BY US & THE OTHER CITIZENS, THEN NO BODY CAM AS IT'S OBVIOUS

BRIAN WAS IN BAD SHAPE THAT NIGHT. WE (BRIAN'S MOM & BOTH GRANDPARENTS) WERE THERE IN THE MARTINSVILLE COURT DECEMBER. 2018 AND WHAT WE SAW WAS THAT HIS DISABLED COURT APPOINTED ATTORNEY DID VERY LITTLE TO HELP BRIAN. BRIAN HAD NO SUPPORTS THERE FOR HIS DISABILITIES EVEN THOUGH WE MADE IT CLEAR FROM THE BEGINNING ALL OF HIS DISABILITIES. WE WATCHED AS GLEN ANDREW HALL MADE FUN OF OUR GRANDSON & HIS DISABLED ATTORNEY, THEN HE TOOK 8 x 10 PHOTOS OF OUR GRANDSON IN THE NUDE TO SHOW ALL OF THE AUDIENCE WHICH INCLUDED US. WE TURNED OUR HEADS & REFUSED TO SEE THEM. THAT WAS HORRIBLE! THEN THE JUDGE SAID THAT BRIAN WAS GUILTY! GUILTY OF WHAT? GUILTY OF HAVING AUTISM? GUILTY OF BEING EXPOSED TO CARBON MONOXIDE FOR ABOUT A YEAR? GUILTY OF BEING SET UP, AND PROBABLY DRUGGED? GUILTY BECAUSE THE POLICE DID NOT DO AN INVESTIGATION? AND GUILTY BECAUSE THE HOSPITAL WERE NEGLIGENT IN THEIR DUTIES? GUILTY BECAUSE THE POLICE IGNORED HIM & HIS FAMILY AND MADE SURE THE BODY CAM WOULD NOT BE THERE? THE MORE I CHECK INTO THIS, THE ANGRIER I BECOME (BRIAN HILL'S GRANDMOTHER, STELLA FORINASH) 1/26/2022 AT 4 IN THE MORNING.

THE FOLLOWING ITEMS WERE DELETED FROM THE CHART. WHY?


```
Ramey, Nicole                              nmr
Bouldin, Lauren, RN                  RN    lb1
Reynolds, Daniel R                   RN    dr

Corrections: (The following items were deleted from the chart)
09/21
04:48 09/21 04:16 COMPREHENSIVE METABOLIC PANEL+LAB ordered. EDMS          EDMS
09/21
04:48 09/21 04:16 COMPLETE BLD COUNT W/AUTO DIFF+LAB ordered. EDMS         EDMS
09/21
04:49 09/21 04:16 CPK, TOTAL+LAB ordered. EDMS                            EDMS
09/21
04:50 09/21 04:16 ALCOHOL, ETHYL+LAB ordered. EDMS                        EDMS
09/21
04:50 09/21 04:16 STAT OVERDOSE PANEL+LAB ordered. EDMS                   EDMS
09/21
04:52 09/21 04:52 09/21/2018 04:52 Discharged to Jail/Police. Impression:  bdh
Abrasion, right knee; Abrasion of unspecified front wall of thorax.
Condition is Stable. Discharge Instructions: Medication
Reconciliation. Follow up: Private Physician; When: Tomorrow; Reason:
Further diagnostic work-up, Recheck today's complaints, Continuance
of care. Follow up: Emergency Department; When: As needed; Reason:
Fever > 102 F, Trouble breathing, Worsening of condition. Problem is
new, Symptoms have improved. bdh
```